

8281. Also, petition of Western New York Federation of Women's Clubs, favoring the Brookhart bill; to the Committee on Foreign Affairs.

8282. By Mr. MILLIGAN: Petition of citizens of DeKalb County, Mo., urging the passage of the Frazier bill, Wheeler bill, and the Swank-Thomas bill at the present session of Congress; to the Committee on Agriculture.

8283. By Mr. ROGERS: Petition of the mayor and board of aldermen of the city of Manchester, N. H., urging the immediate payment in cash of the World War adjusted-compensation certificates; to the Committee on Ways and Means.

8284. By Mr. RUDD: Petition of Intercoastal Lumber Shippers Association, New York City, opposing the passage of Senate bill 4491; to the Committee on Interstate and Foreign Commerce.

8285. By Mr. SPARKS: Petition signed by Ralph Owens and A. L. Marshall, of Collyer, and 12 other farmers of Trego County, Kans., favoring the repeal of the agricultural marketing act; to the Committee on Agriculture.

SENATE

TUESDAY, JUNE 14, 1932

(Legislative day of Monday, June 13, 1932)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1153) to provide for the incorporation of credit unions within the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3911) to authorize the Commissioners of the District of Columbia to close Quintana Place, between Seventh Street and Seventh Place NW., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9557. An act to amend certain sections of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, relating to descent and distribution; and

H. R. 11638. An act to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and for other purposes.

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Cutting	Jones	Reed
Bailey	Dale	Kean	Robinson, Ark.
Bankhead	Davis	Kendrick	Robinson, Ind.
Barbour	Dill	Keyes	Sheppard
Barkley	Fletcher	King	Thomas, Okla.
Blaine	Frazier	La Follette	Townsend
Borah	George	Logan	Trammell
Bratton	Glenn	McGill	Tydings
Bulow	Gore	McKellar	Vandenberg
Byrnes	Hale	McNary	Wagner
Capper	Harrison	Metcalf	Walsh, Mass.
Caraway	Hawes	Moses	Walsh, Mont.
Cohen	Hayden	Neely	Wheeler
Connally	Hebert	Norris	White
Coolidge	Howell	Nye	
Copeland	Hull	Patterson	
Costigan	Johnson	Pittman	

Mr. McNARY. I desire to announce that the following-named Senators are detained in a meeting of the Committee

on Banking and Currency: Mr. NORBECK, Mr. WATSON, Mr. COUZENS, Mr. GOLDSBOROUGH, Mr. STEIWER, Mr. WALCOTT, Mr. BROOKHART, Mr. CAREY, Mr. GLASS, and Mr. WAGNER.

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

THE APPROPRIATION "GENERAL AND SPECIAL CLAIMS COMMISSIONS, UNITED STATES AND MEXICO, 1932" (S. DOC. NO. 106)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation for the Department of State, for the General and Special Claims Commissions, United States and Mexico, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PROVISION PERTAINING TO AN APPROPRIATION UNDER THE TREASURY DEPARTMENT (S. DOC. NO. 107)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation for the Treasury Department, Office of the Supervising Architect, general expenses of public buildings, 1932, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

UNEXPENDED BALANCES OF APPROPRIATIONS FOR THE MARINE CORPS, 1932 (S. DOC. NO. 108)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to the appropriations "Pay, Marine Corps, 1932," and "General Expenses, Marine Corps, 1932," affecting existing appropriations to provide that \$125,000 of the unexpended balances of appropriations for the Marine Corps for the fiscal year 1932 shall remain available until June 30, 1933, for the purpose of meeting additional obligations for pay and allowances of officers and enlisted men of the United States Marine Corps incident to their detail for duty in connection with the national election to be held in the Republic of Nicaragua in November, 1932, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a paper in the nature of a petition from Henry W. Diggs, of Baltimore, Md., praying for the passage of remedial legislation affecting the working conditions of substitute postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a telegram in the nature of a memorial from W. A. Rankin, Kansas City, Mo., remonstrating against the passage of legislation providing for the immediate cash payment of veterans' compensation certificates (bonus), which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the council of the city of Macomb, Ill., favoring the passage of legislation authorizing a bond issue of not to exceed \$5,000,000,000 to assist municipalities in financing public-improvement projects, so as to aid employment, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Southern California Sector, Society of the First Division, American Expeditionary Forces, Los Angeles, Calif., favoring the passage of legislation authorizing a \$5,000,000,000 bond issue to inaugurate a program of public improvements so as to relieve the unemployment situation, which was ordered to lie on the table.

He also laid before the Senate telegrams in the nature of memorials from Charles Weisberg, secretary Organization Branch, No. 170, International Workers Order, of Chelsea; Wolf Viner, secretary Branch No. 28, International Workers Order, of Roxbury; W. Z. Caspar, Secretary Boston district, International Workers Order; M. Gelman, secretary Organ-

ization Central Committee Jewish Children Schools, of Boston, and Rema LaPouse, for National Student League (Boston district), representing students in 10 Massachusetts colleges, all of Boston, in the State of Massachusetts; P. Panchyshyn, secretary, L. Vorona, chairman, Ukrainian Labor Club (Inc.), and the United Ukrainian Toilers Organizations, by Kniazewich, secretary, both of New York City, N. Y., remonstrating against the passage of the so-called Dies bill, being the bill H. R. 12044 to provide for the exclusion and expulsion of alien communists, which were ordered to lie on the table.

Mr. GLENN presented papers in the nature of petitions from officers and directors of building and loan associations and sundry citizens, all in the State of Illinois, praying for the passage of the legislation known as the Watson-Luce home loan bank bill, which were referred to the Committee on Banking and Currency.

Mr. COPELAND presented a petition of sundry citizens of Port Jervis, Orange County, N. Y., praying for the passage in the Senate of a companion measure of the so-called Patman bill in the House of Representatives, providing for the immediate cash payment of adjusted-service certificates (bonus) of the World War veterans, which was referred to the Committee on Finance.

Mr. REED presented a resolution adopted by the Philadelphia County Council of the American Legion of Pennsylvania, favoring the calling of conventions of the people, to be held in the several States, for the purpose of deciding in the name of the people the question of the repeal of the eighteenth amendment of the Constitution, which was referred to the Committee on the Judiciary.

Mr. ASHURST presented a telegram in the nature of a memorial from the Brunswick Drug Co., of Tucson, Ariz., remonstrating against the passage of legislation providing for the immediate cash payment of veterans' adjusted-compensation certificates (bonus), which was referred to the Committee on Finance.

He also presented a telegram in the nature of a memorial from James A. McGuire, of Tucson, Ariz., remonstrating against the passage of legislation adversely affecting the status of disabled emergency officers, which was referred to the Committee on Military Affairs.

He also presented telegrams in the nature of petitions from J. D. Halstead Lumber Co., by Albert A. Hayes, receiver, Halloran Bennett Lumber Co., O'Malley Lumber Co., Foxworth-McCalla Lumber Co., and Halstead Lumber Co., all of Phoenix, Ariz., praying for the passage of legislation providing a system of Federal home-loan banks, which were referred to the Committee on Banking and Currency.

AMENDMENT OF AGRICULTURAL MARKETING ACT—MEMORIALS

Mr. ROBINSON of Arkansas. Mr. President, I present a number of telegrams having relation to the bill now under consideration by the Senate. I ask that they may be noted in the RECORD and lie on the table.

The telegrams in the nature of memorials remonstrating against the passage of the bill (S. 4536) to amend the agricultural marketing act approved June 15, 1929, and other similar measures, presented by Mr. ROBINSON of Arkansas and ordered to lie on the table, are from J. R. Alexander, of Scott, and Mark Valentine, C. N. Alexander, and Harold A. Young, of Little Rock, all in the State of Arkansas.

IMPORTS OF FOREIGN STEEL

Mr. DAVIS. Mr. President, I desire to bring to the attention of this Congress the seriousness of the importation of steel products made in foreign countries and which in the last year deprived 237,130 American steel workers of one week's full-time employment.

The full details of this matter are contained in the following communication from the Bittenbender Co., of Scranton, Pa., which I desire to have inserted in the RECORD.

There being no objection, the communication was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senator JAMES J. DAVIS,
Washington, D. C.

HONORABLE SIR: You are no doubt familiar with the fact the Scranton School District have just awarded a contract for the construction of the new junior high school in West Scranton.

As distributors of iron and steel products, we, of course, were interested in the sale of the required steel bars among which are a number to be used as reinforcing in the plastering job. S. & W. Crunden, plastering contractors in our city, hope to get this job, in which event they would like to place the steel order with us or some other local distributor. However, they have had competitive figures from a Philadelphia distributor, which figures were so far below our cost we could not understand how that could be possible so the matter was taken up with the Jones & Laughlin Steel Co., our source of supply. Upon doing so we learned, much to our disgust, that the lower prices quoted S. & W. Crunden covered foreign steel, which material Mr. Crunden will have to figure on for the simple reason that those against whom he is competing will undoubtedly do so.

We are informed by the Jones & Laughlin Steel Co. that the very lowest price they can consider—which price under present conditions is undoubtedly below actual cost—is \$2.89 per hundred-weight f. o. b. Scranton. This price of \$2.89 per hundredweight is the equivalent of \$11.56 per thousand feet of material. The price quoted S. & W. Crunden on the foreign steel is \$7.50 per thousand feet, so you can readily see how impossible it is for American manufacturers to meet this competition.

Knowing the local authorities would, if it were possible, prevent the use of this foreign steel in the construction of the new school, the writer has taken the matter up with them; but, of course, there is nothing they can do about it, inasmuch as its use is not excluded in the original plans and specifications that the general contractor had in figuring the job.

We are bringing this to your attention in detail, urging your support of the Hawley bill, H. R. 8698, when it is brought before the Senate.

We are informed by the American Steel Warehouse Association, of Philadelphia, that it is estimated approximately 237,130 men lost a week's work in 1931 due to the importation of all grades of steel. Statistics show that in 1931, 369,923 net tons of all classes of steel were imported, causing a loss to our steel industry, with corresponding loss to thousands of workers who mine the ore, the coal operators and their employees, the loss of tonnage of railroads on the raw materials and coal, all of which aggravated the unemployment situation.

We know this will receive your careful consideration, and thanking you, we are,

Yours very truly,

THE BITTENBENDER CO.,
C. S. SEAMANS, Sales Manager.

BACK TO THE FARM

Mr. FLETCHER. Mr. President, I have in my hand a communication signed by Maj. G. M. Randall, M. D., of Daytona Beach, Fla., relative to the "back to the farm" movement, which was published in a recent issue of Truth and Justice, of Jacksonville, Fla., which presents some views worthy of consideration. I ask unanimous consent to have the communication printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the communication was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

[From the Truth and Justice, June 10, 1932]

BACK TO THE FARM

Georgia, Florida, and Alabama are one great rich empire. Alabama is the great beautiful park, capable of supporting with ease and luxury as many people to the square mile as is Massachusetts or Connecticut, which have about 630 people to the square mile. Florida has about 30 people to the square mile; Georgia and Alabama, about 40 to the square mile. Georgia and Alabama could assimilate and support all of the 8,000,000 unemployed people. Florida alone could do this with ease. In neither of these States could a man, woman, or child freeze or starve.

It is a reproach on the intelligence of the Nation that we do not do for our deserving people what other countries do for their people who need encouragement and assistance. Nothing is gained to the individual or the Nation by a dole or anything that resembles a dole. Many projects suggested are little better than a dole. Railroads, canals, and post offices are necessary. Highways and schools are factors of civilization. But before we have all of these things we must have need for them and ability to support them. We need sustenance before we need luxuries. Before bank accounts come food, shelter, and the comforts of home.

Now, what's to do? Let the counties, States, and the Federal Government get together, combine forces, cooperate, and populate these misused acres, these unusual acres.

We have State departments of agriculture with county agents to assist and advise the new farmers. We have the United States Department of Agriculture, which expends more money than any other department of the United States Government, and expends it well.

There are thousands of deserted farms and farm buildings that could be rehabilitated to individual, State, and National advantage. There is not a railroad running north and south that would decline to assist in the transportation of honest homeseekers to places in the South.

Winter is coming. Why not take time by the forelock instead of by the horns? Get about a million of these people down here building shacks and log cabins, repairing old houses, getting

ready for 1933 crops. Conduct the thing along military lines. They have to be assisted. Why not assist them to assist themselves later? This is not the last year they are going to need to make a living.

All of this talk about an excess of agricultural products is bunk. The fault is merchandizing and transportation. We are not advising farmers to try raising a money crop the first year. It is a grub stake that interests him just now. After his family is fed and have a roof over their heads he can talk about a money crop and bank account, but until our banking system is properly diagnosed and treated, the farmer is better off with a full corn crib and a few hogs than he is with a few hundred dollars in the bank. There ought to be less talk about cash and more about hogs and hominy.

G. M. RANDALL, M. D.

Major Medical Corps, United States Army (retired).

DAYTONA BEACH, FLA., May 20, 1932.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9058) to authorize the Secretary of War to accept on behalf of the United States a tract or parcel of land for park purposes, to the Chickamauga-Chattanooga National Military Park, reported it without amendment and submitted a report (No. 827) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4065) authorizing the packing of oleomargarine and adulterated butter in tin and other suitable packages, reported it with amendments and submitted a report (No. 828) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. REED, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Daniel Wray De Prez, Indiana National Guard, to be brigadier general, reserve, from June 10, 1932; and also sundry nominations of officers in the Regular Army.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably several nominations of postmasters.

The VICE PRESIDENT. The nominations will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEYES (for Mr. SWANSON):

A bill (S. 4881) for the relief of Florence Hudgins Lindsay and Elizabeth Lindsay; to the Committee on Claims.

By Mr. WALCOTT:

A bill (S. 4882) granting a pension to Sadie Bromberg (with accompanying papers); to the Committee on Pensions.

REIMBURSEMENT OF LOSSES OF COOPERATIVE MARKETING ASSOCIATIONS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to introduce a bill, and I request that it may be printed in the RECORD and appropriately referred.

There being no objection, the bill (S. 4883) directing the Federal Farm Board to assume certain losses of cooperative marketing associations, and to prevent further sales during 1932 of wheat and cotton under the control of said board, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That if any cooperative marketing association has incurred losses as a result of activities in which it was required to engage by the terms of any contract by which it received a loan from the Federal Farm Board, the board is authorized and directed to reimburse such association for such losses. So far as possible, such reimbursement shall be by cancellation of outstanding obligations or any part thereof of such association to the board; but if such losses exceed the amount of such obligations, reimbursement as to the remainder shall be by payment out of the revolving fund created by the agricultural marketing act.

SEC. 2. The Federal Farm Board shall take such steps as are necessary to prevent the selling of any wheat or cotton by any stabilization corporation during the remainder of the calendar year 1932. There are hereby authorized to be appropriated, from time to time, such sums as may be necessary to reimburse such corporations for expenses resulting from carrying out the provisions of this section.

PUBLIC-WORKS PROGRAM—AMENDMENT

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 12445) to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by authorizing and expediting a public-works program and providing a method of financing such program, which was referred to the Committee on Banking and Currency and ordered to be printed.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 9557. An act to amend certain sections of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, relating to descent and distribution; and

H. R. 11638. An act to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and for other purposes.

INCORPORATION OF DISABLED AMERICAN VETERANS OF WORLD WAR

Mr. WALSH of Montana. Mr. President, on yesterday I reported from the Committee on the Judiciary a bill (H. R. 4738) to incorporate Disabled American Veterans of the World War. This organization of most deserving citizens, who have suffered in the cause of their country, is to have its national convention at San Diego during the following week. The officers of the organization are just leaving to take part in that convention. Under these circumstances I feel moved to ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following persons, to wit, Robert S. Marx, of Ohio; William J. Donovan, of New York; H. G. Lightner, of Kentucky; A. B. Powell, of Alabama; Glenn E. Miner, of Arizona; George H. H. Pratt, of Arkansas; Volney P. Mooney, jr., of California; A. E. Sherlock, of Colorado; Peter Nugent, of Connecticut; Miles H. Draper, of Florida; William E. Tate, of Georgia; Jesse J. McQueen, of Idaho; Herman H. Welmer, of Illinois; S. G. Smelser, of Indiana; Henry J. Bitters, of Iowa; E. C. Moore, of Kansas; L. C. Mayeux, of Louisiana; F. J. McCarthy, of Maine; George W. Golden, of Maryland; J. W. McQueen, of Missouri; Leon C. Waite, of Massachusetts; L. E. Sharp, of Michigan; George E. Leach, of Minnesota; Quintus E. Camp, of Mississippi; John W. Mahan, of Montana; Leonard D. Densmore, of Nebraska; I. A. Lougaris, of Nevada; E. P. Badger, of New Hampshire; W. J. Dodd, of New Jersey; Carl F. Whittaker, of New Mexico; Malcolm Smith, of North Carolina; H. J. Muehlenbein, of North Dakota; Fletcher Riley, of Oklahoma; Lille Dalley, of Oregon; J. J. O'Leary, of Pennsylvania; Arthur Cole, of Rhode Island; G. G. Blackman, of South Carolina; Albert Hauge, of South Dakota; Reuben D. Hays, of Tennessee; M. A. Harlan, of Texas; Gaylen S. Young, of Utah; Malvern S. Ellis, of Vermont; George D. Simmons, of Virginia; Miles Price, of Washington; W. J. O'Neil, of West Virginia; Rev. G. Stearns, of Wisconsin; and such persons as may be chosen who are members of the Disabled American Veterans of the World War, and their successors, are hereby created and declared to be a body corporate. The name of this corporation shall be the "Disabled American Veterans of the World War."

SEC. 2. That said persons named in section 1, and such other persons as may be selected from among the membership of the Disabled American Veterans of the World War, an unincorporated patriotic society of the wounded and disabled soldiers, sailors, and marines of the Great War of 1917-18, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organizations of the existing unincorporated organization known as the Disabled American Veterans of the World War shall be permitted to participate in the proceedings thereof.

SEC. 3. That the purposes of this corporation shall be:

To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, injured, and disabled veterans of the World War; to cooperate with the United States Veterans' Administration and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interests of wounded, injured, or disabled veterans of the World War; to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, injured, or disabled veterans of the World War; and to encourage in all

people that spirit of understanding which will guard against future wars.

Sec. 4. That the corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a newspaper or other publications devoted to the purposes of the corporation; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

Sec. 5. That no person shall be a member of this corporation unless he—

Any man or woman who was wounded, gassed, injured, or disabled in line of duty while in the service of either the military or naval forces of the United States between the dates of April 6, 1917, and July 2, 1921, and who was in the service between the dates of April 6, 1917, and November 11, 1918, and who received an honorable discharge, is eligible for membership in the Disabled American Veterans. Others who were disabled while serving with any of the armed forces of the nations associated with the United States during the World War and who are now American citizens and were honorably discharged are also eligible. There are no honorary members.

Sec. 6. That the organization shall be nonpolitical, nonsectarian, as an organization shall not promote the candidacy of any persons seeking public office.

Sec. 7. That said corporation may acquire any or all of the assets of the existing unincorporated national organization known as the Disabled American Veterans of the World War, upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

Sec. 8. That said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name the "Disabled Veterans of the World War."

Sec. 9. That the said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however,* That said report shall not be printed as a public document.

Sec. 10. That as a condition precedent to the exercise of any power or privilege herein granted or conferred the Disabled American Veterans of the World War shall file in the office of the secretary of each State in which posts, chapters, or subdivisions thereof may be organized the name and post-office address of an authorized agent in such State upon whom legal process or demands against the Disabled American Veterans of the World War may be served.

Sec. 11. That the right to repeal, alter, or amend this act at any time is hereby expressly reserved.

PHILIPPINE INDEPENDENCE—ADDRESS BY MRS. OSIAS

Mr. HAWES. Mr. President, as in America, the Philippine women are taking an interest in securing freedom for their islands.

The Filipino women occupy an unusually high place in their nation. All historians testify to this. They usually keep the bank account and the savings. They are the financial managers. Their chief passion is education of their children. They will make any sacrifice to send them to school.

One of these very intelligent and patriotic women is the wife of the industrious, scholarly Commissioner from the Philippines.

I ask unanimous consent to insert the address of Mrs. Idefonsa C. Osias before the Woman's National Party, June 1, 1932, Washington, D. C., in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE FILIPINO WOMAN AND PHILIPPINE POLITICS

I am glad to be with you once again. Last time I was asked to speak before this organization, I attempted to picture to you the general condition of the people of the Philippine Islands and the status of women in society. This time I was asked specifically to speak for a few minutes on the Filipino Woman and Philippine Politics.

Before speaking directly upon the topic, I believe it is necessary to impress upon you that the Filipino woman occupies a high place in our social organization. I believe that it will be generally admitted that the Filipino woman exerts her greatest influence in the institution where she is the queen, namely, the home. She is essentially a family person. Her most important mission is done in her capacity as a home lover and home maker.

I think you will find the testimonies of writers to be unanimous in according her great importance within the family as she has control of the family purse.

Let me quote a typical observation from a man who, from long contact and study, is qualified to speak of social conditions in the islands. Former Governor General Forbes in his book, the *Philippine Islands* (Vol. I, p. 17), says:

"The Christian Filipino woman holds a very different position in the family from that given to her sisters in India or in most oriental countries. She is usually the business manager of the household, keeps the keys, does the providing, receives all cash earned by any member of the family, including the proceeds from the farm produce, and supervises the expenditure. It is she who makes the budget. A man who fails to turn in his receipts for his wife's direction somewhat injures his standing in the community."

Filipino women have shouldered their full share in the life of our people. This is true not only in time of peace but even in war. At present Filipino women are not only active in family affairs but in business affairs. In agriculture, as well as in commerce, they are actively engaged.

Furthermore, they are active in the professions. They are each year increasing in numbers in the professions of teaching, nursing, pharmacy, medicine, and law. Their number is destined to grow rapidly because one of the most significant signs of progress in the Philippines in recent years has been the increasing proportion of girls and young women in the secondary schools, colleges, and universities in the Philippines.

Now, you ask me, "Do you have woman suffrage?" My answer is "No." But this does not mean that the Filipino women have no part or influence in public affairs or in governmental or in political affairs. Will my American sisters admit that they had no influence in the affairs of this Nation before they had suffrage? I am sure they were as important in the early life of the people and Government of this country as they have been since they were by law entitled to vote. In fact, I have been told by some of my woman friends that mere suffrage has not brought about such a radical change as the women had expected. I have also been informed, although I do not vouch for its accuracy, that some women are not as much interested in politics after they secured the right to vote as they were while they were fighting for the right of suffrage.

Now, I do not want you to misunderstand me. I am personally in favor of woman suffrage. I have worked for it and will continue to work for it. You should, however, know certain facts which have a bearing upon the existing situation.

Under the present government, not even our men had the right to vote for insular or national officials until Congress passed a law establishing the Philippine Assembly. This assembly was the lower house in our lawmaking body inaugurated in 1907. We were not given a senate and the house of representatives until Congress passed a law authorizing the creation of the Philippine Legislature in 1916. And I assure you that in the elections held in the Philippines, we, the Filipino women, have had a greater part than the outside world will ever know and, I may add, more than the candidates who won or were defeated will ever admit.

You who are familiar with the long struggle extending over a period of so many years before the American women enjoyed the right of suffrage will readily understand that, in reality, we have scarcely begun in our fight in the Philippines.

I should also inform you that the law governing the management of our government to-day was the act of Congress passed in 1916. This law, among other things, prescribed the qualifications of voters and candidates. These qualifications were limited to men, and women were excluded.

These are the qualifications prescribed by the act of your Congress:

"Every male person," please note that—"every male person who is not a citizen or subject of a foreign power, 21 years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of August, 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

"(a) Those who under existing law are legal voters and have exercised the right of suffrage.

"(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

"(c) Those who are able to read and write either Spanish, English, or a native language." (Philippine autonomy act—act of Congress of August 29, 1916; Public, No. 240, 64th Cong., sec. 15.)

The amendment to the Constitution regarding woman suffrage has not been made applicable to the Philippines.

From these it is clear why things are as they are in the Philippines.

It should be stated that there is general interest in elections in the islands. I think it is at least in part due to the work and influence of women. At each general election which was so far held, from 85 per cent to 92 per cent of the Philippine voters who can vote actually vote. I understand this is much higher than the proportion voting in the United States.

You might also be interested to know that several employers and officials in the government are women; that there are women in charge of some of the larger and important schools and colleges;

that there are women in various boards of governmental and private bodies and organizations; and that they have a controlling voice in various organizations undertaking works of mercy, of charity, of uplift, and of reform.

Let me impress upon my friends here who are in sympathy with the desires of the Filipino women for suffrage that militant efforts are not welcomed by the men in the islands and are contrary to the nature of our women. It is not in accord with our national custom. We can best achieve political concessions and other reforms by quiet work and dignified methods.

We, the women of the islands, are wholeheartedly identified with our brothers in the belief that more important than reforms of a purely local or domestic character is the independence of the entire Philippines. We are not discouraged by any means and we are desirous to help concentrate our chief efforts toward securing the passage of a bill that would grant our independence as soon as possible.

As the members of the Woman's National Party doubtless know, the House of Representatives recently passed an independence bill by a very large majority, 306 for and 47 against, to be exact. It is now pending in the Senate, and the hope of all Filipinos, men and women alike, is that action will be taken on an independence measure without delay.

If the members of this organization and the Americans in general wish to help the Filipino people and at the same time serve the United States, they should exert their influence to have an independence bill become a law. Speaking directly to those who are interested that the Filipino women should have suffrage, let me say that this is the great opportunity. We shall then be able to work during the consideration of the constitution for the Philippine Commonwealth for a provision that will secure for the women of the islands the right of suffrage, effective with the date when independence will be granted. The delay of the grant of Philippine independence is responsible in a great measure for the uncertainty in all phases of our national life. Its early grant will hasten development in our country. It will release much time and effort and energy now given to our fight for an independent national existence for the purpose of effecting reforms in our domestic life, including woman suffrage. It will greatly stimulate our women to take greater interest in Philippine politics.

PHILIPPINE INDEPENDENCE—ADDRESS BY MAURO BARADI

Mr. HAWES. Mr. President, both the House committee and the Senate committee earnestly requested the names of any Filipinos who are opposing independence. I believe only seven were given in both hearings.

The unanimity of the Filipino people in demanding their independence is testified to by all of the modern writers and historians. It is a thing they place above every other consideration.

I ask unanimous consent to insert in the RECORD an address by Mauro Baradi, president of the Filipino Club (Inc.) and the Philippine Columbians, before the Filipino Club of Washington, showing how clearly the Filipinos understand the subject and how earnestly and intelligently they make their appeals for freedom.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A PROMISE UNFULFILLED

Just after the Spanish-American War in 1898, when the United States took possession of the Philippine Islands, it was said that President McKinley at first did not know what to do with the archipelago. He spent days and nights trying to decide what course to follow.

AMERICA'S PHILIPPINE POLICY

In the meantime some American newspapers were advocating annexation, others indefinite retention, and still others turning over the territory to the Filipinos themselves. Public opinion was divided. Finally, after meditation and prayer, the President reached a decision.

Later he made a formal declaration announcing America's policy toward the Philippines in these solemn words:

"The Philippines are ours not to exploit but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us."

This stand has been followed by every succeeding President regardless of party affiliation—Roosevelt, Taft, Wilson, Harding, Coolidge, and Hoover. Frequently it has been referred to with approval in the planks of the major political parties.

A SACRED PLEDGE

To make the pronouncement absolutely official, the people and Government of the United States of America, of their own accord, passed the Jones law—act of Congress of August 29, 1916—which, in unmistakable terms, states that—

"... It was never the intention of the people of the United States in the incipency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"... It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein . . ."

Pursuant to this pledge, the Filipinos were given an opportunity to run their own government and conduct their own affairs. In all modesty it must be said that not only did they make commendable progress but were successful. So much so that President Wilson, in his message to Congress on December 7, 1920, said:

"Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

A GOD-GIVEN RIGHT

Year after year the Filipinos have sent and are still sending their duly authorized spokesmen to the United States to voice the unanimous desire of their people for independence. Impartial observers have expressed the conviction that they "found no people in the world so unitedly, so passionately, so insistently desiring independence as the Filipinos." This desire is not new. It dates back to the days prior to the time when the first European set foot on Philippine soil in 1521. That year Magellan, the first circumnavigator of the world, lost his life in an attempt to impose a tribute upon the inhabitants of the archipelago and to subdue them. Spain's rule in the islands, covering a period of about 375 years, was marked by revolution after revolution on the part of the people for freedom. And when America appeared on the scene the Filipinos were led to believe that they were going to have their God-given right to be free and independent.

FILIPINOS ENCOURAGED

American soldiers were looked upon as defenders from tyranny and abuse; the missionaries were hailed as bearers of the gospel of truth, Christianity, and brotherhood; American officials, teachers, business men, and travelers—these gave the impression of the Americans being bearers of "the richest blessings of a liberating rather than a conquering nation."

Filipino children, who have a proverbial passion for education, were taught English as the language of enlightenment, democracy, and progress; they studied the works of great American authors, learned the writings of American statesmen, and were told to revere American heroes and liberators. The Filipinos observe American holidays. On July 4 of each year they join the citizens of this Republic in programs, parades, and other forms of celebration, where the Declaration of Independence is read and speeches on liberty, freedom, equality, and independence are delivered.

In view of these facts, could anyone doubt the sincerity of the Filipinos' aspiration for independence? To them freedom is sacred; it is more precious than the world's riches. No people can really be happy unless they are absolutely free.

INDEPENDENCE OVERDUE

More than a decade has now elapsed since President Wilson recommended to Congress the redemption of America's solemn pledge. Right now Filipino leaders are knocking at the very doors of Congress that that great body may hear their oft-repeated pleas. These leaders appeared before appropriate committees in the American Senate and House of Representatives and brought out facts and figures proving that the Philippines are ready to assume the responsibilities of a sovereign state. Politically, the Filipinos are capable, socially and culturally they can be favorably compared with most of the independent nations of the world; economically, they are progressing, and, if independent, they will survive. They are a liberty-loving, law-abiding, and peaceful people, friendly with their neighbors.

CONGRESS AGAIN SPEAKS

What better proof can the Filipinos offer in support of their age-long objective than to cite the conclusions found by the United States Senate Committee on Territories and Insular Affairs and the House Committee on Insular Affairs?

After extensive hearings on the Philippine bills granting freedom, the Senate committee favorably reported an independence bill—S. 3377—commonly known as the Hawes-Cutting bill. On March 1, 1932, the committee concluded that—

"Every condition precedent that we have imposed upon them has been fulfilled. They now have a stable government. We can no longer postpone a definite solution of the question of independence without serious injustice. The Filipino people unitedly are respectfully, but with insistence, urging their independence. Further delay will not be understood by them and can not be justified by us."

For its part, the House committee reported on March 15, 1932, as follows:

"Our purpose in the Philippines has been accomplished. The unity of the people there is a fact. Their readiness and their eagerness for self-government have been abundantly demonstrated. Their financial capacity to support their government is beyond question. They have a balanced budget, a stable currency, a sound and efficient administration of justice, a successful system of public instruction. They have sanitation, communications, and all other services which are indispensable to progressive and orderly government. They maintain law and order through their own instrumentalities and assure protection to their own citizens and the nationals of other countries. Their educational and economic standards are higher than those in other countries in that part of the world. Under our inspiration and tutoring

they have come to understand and prize and covet democracy. They recognize their debt of gratitude to the American people.

"We have done for the Filipinos all that we have promised them except to grant them independence. We owe it not only to the Filipino people but also to our own to name the day and the way of Philippine independence."

It is a great source of satisfaction to feel that the House of Representatives, in line with the findings of the House committee, has already expressed its hearty approval to and unqualified indorsement of a Philippine independence bill. On April 4, 1932—a memorable day in American-Philippine relations—by an overwhelming vote of 306 in favor and 47 against, the House passed "A bill (H. R. 7233) to enable the people of the Philippine Islands to provide for the independence of the same, and for other purposes." The vote was "one of the greatest majorities in parliamentary annals."

The Senate has now pending for its consideration the independence bill, and our hope is that that great body will soon take action on it. When the measure is passed the Chief Executive of the Nation, who has said that "independence of the Philippines at some time has been directly or indirectly promised by every President and by the Congress," will take the final step.

AMERICA ON TRIAL

In the meantime, the Filipinos are awaiting with anxiety the outcome of their just petition to be free. They believe in America and have faith in her people. They know that if she has fought for the cause of small nations and championed the principle of self-determination, she can not deny the Filipinos their independence—a cause for which she herself has sacrificed lives and property, an ideal which she holds priceless.

A QUESTION UNANSWERED

We repeat, the United States pledged to grant independence to the Philippines. That promise has been honorably made; it has been voluntarily expressed. The Filipinos have done their part and they are now waiting for the people of America to do theirs. "When will you free us?" This is the question the Filipinos are asking of every American.

The world took cognizance of the promise made; mankind knows it has as yet been unfulfilled.

LUCIUS Q. C. LAMAR—ADDRESS BY ALFRED K. NIPPERT

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD an eloquent address on the life, character, and public services of the late Associate Justice Lucius Q. C. Lamar, of my State, recently delivered by Judge Alfred K. Nippert, of Cincinnati, Ohio, at the University of Mississippi on the occasion of the presentation of an oil portrait of Justice Lamar.

There being no objection, the address was ordered printed in the RECORD, as follows:

On the 24th day of January, 1893, Prof. A. H. Whitfield, of the law department of the University of Mississippi, moved the United States court, then in session at Oxford, Miss., to "adjourn in honor of the greatest statesman of the South." The man referred to was Lucius Quintus Cincinnatus Lamar, Justice of the Supreme Court of the United States, who had passed to his reward the evening before, at Vineville, Ga., where he had gone to recuperate from an illness of long standing.

The late justice was born at the old Lamar homestead in Putnam County, Ga., on September 17, 1825, the son of Judge Lucius Quintus Cincinnatus Lamar, who had attained distinction as a lawyer and judge in the courts of his native State, where his family had settled at the outbreak of the Revolutionary War. The Lamars were of old Huguenot stock, having escaped from France and the terrors of the religious persecutions incident to the revocation of the Edict of Nantes, and first settled in Maryland.

The father of the late justice was one of 9 children—4 sons and 5 daughters. The sons were named, respectively, Lucius Quintus Cincinnatus, Mirabeau Bonaparte, Thomas Randolph, and Jefferson Jackson. The one guilty of this baptismal impediment placed upon these boys at the christening font of the Methodist Church was a bachelor uncle of these innocent babes, by the name of Zachariah Lamar. Zachariah was a quaint old character—he offered family prayer in good old Methodist fashion, praised God for the noble examples of Christian martyrdom in the arenas of Rome and Pompeii, gave thanks to God for the forward march of science, art, and especially literature; and, to show his appreciation of the great men in history, he proceeded to name his brother's children according to the particular historical personage of whom he was reading at the time of their birth. So it happened that Uncle Zachariah was reading about that grand old Roman hero and statesman, Lucius Quintus Cincinnatus, when his brother John's first son was born. What better name could be given to this first-born of the fifth generation of the American Lamars than that of the famous twice savior of Rome? And Lucius Quintus Cincinnatus it was. This illustrious name has since been handed down to son, grandson, and great-grandson of the Lamars as time and years rolled by.

Young Lamar, following the footsteps of his distinguished father, was admitted to the Mississippi bar in the year 1850. The agitation between the North and the South had already begun to take hold of the various States of the Union, but nowhere was the excitement more intense and the reaction more profound than in the State of Mississippi. It was at that time that Mr. Lamar

became first actively connected with the University of Mississippi, as adjunct professor of mathematics and metaphysics. His distinguished father-in-law, Judge A. B. Longstreet, was then president of this institution, having resigned the presidency of Emory College, Georgia, to assume a wider field of usefulness as head of the State University of Mississippi. Young Lucius Lamar had been a student and member of the class of 1845 at Emory College. While there he fell in love with Virginia Lafayette Longstreet, the beautiful daughter of the then president of Emory College—a brave but risky adventure on the part of the young Roman. Within two years the fair Virginia Longstreet became Mrs. Lucius Quintus Cincinnatus Lamar.

In 1855 the young lawyer purchased a plantation of 1,100 acres on the Tallahatchie River, near Oxford, Miss., and called it "Solitude." It was at this time that he formed a law partnership with Christopher H. Mott and James L. Autrey, under the firm name of Lamar, Mott & Autrey, with offices at Holly Springs, Miss. Mott was a veteran of the Mexican War and served as first lieutenant in the Marshall Guards under Col. Jefferson Davis. Autrey was a Tennessean, the son of one of that immortal band of heroes who suffered death at the Alamo in the cause of Texan independence. This happy professional relationship between the three men continued until the outbreak of the Civil War.

Lamar in 1857 was nominated and elected to Congress from the first congressional district of Mississippi, but only after a very bitter and strenuous campaign against his opponent, a candidate supported by the so-called Know-Nothing Party. Re-elected in 1859, he served only part of the Thirty-sixth Session of Congress, retiring in December, 1860, when the election of Mr. Lincoln brought the South face to face with a tremendous problem.

Lamar believed it possible to form an independent Southern Confederacy. At the Jackson convention in January, 1861, he reported to the Committee of One Hundred the Mississippi ordinance of secession, which he himself had drafted. As this portentous ordinance passed by an overwhelming vote of 85 to 15, a profound silence prevailed in the great hall and tears gathered in the eyes of nearly everyone present. The die had been cast—the South had crossed the Rubicon, while in the North many an irreconcilable Cato hurled across the borders of the Confederacy the ultimatum of ancient Rome, "Carthaginem esse delendam"; and the South has to this day not yet recovered fully from the awful consequences which followed the passage of this ordinance of 1861.

As my esteemed friend, the late Judge Edward B. Mayes, former chancellor of the University of Mississippi, stated so eloquently in his monumental work on Lamar, *His Life and Times*: "The actors in the secession knew that they were turning their backs upon the structure every stone of which was baptized by the blood of their fathers and the tears of their mothers, and that the old flag which their fathers and themselves had borne from glory to glory was from thenceforth to be alien and possibly hostile. They loved the Union—but they believed in the principles and methods which were purely economical and moral to the States which later on formed the Confederacy. They may have been mistaken in their principles and they may have been wrong in their methods; nevertheless, at that time they felt that right, justice, and the Constitution were with them, and so the die was cast and Mississippi entered into the irreparable and unavoidable conflict."

James G. Blaine, who served with Lamar in the United States Senate, later on said of him that "He stood firmly by his State in accordance with the political creed in which he had been reared, but looked back with tender regret to the Union whose destiny he had wished to share and under the protection of whose broader nationality he had hoped to live and die."

On February 4, 1861, the convention of States met at Montgomery, Ala. Lamar was a delegate and helped elect Jefferson Davis as Provisional President. He assisted in the adoption of a constitution and drew the legislation for the young Confederacy.

Christopher Mott, Lamar's law partner, organized the Nineteenth Mississippi Regiment, of which he was elected colonel, and Lamar lieutenant colonel. Both Mott and Lamar went with the regiment to Richmond, Va., and then immediately into the Peninsular campaign. On the 5th of May, 1862, the Battle of Williamsburg occurred, and in this battle Mott fell, at the head of the regiment, leading his men. After the fall of his commander Lieutenant Colonel Lamar led the charge the remainder of the day and acquitted himself creditably throughout this long and stubbornly contested fight. Soon afterward Lamar was seized by a serious illness and was sent home. In September of that year he lost his younger brother, Jefferson Lamar, who, as lieutenant colonel of Cobb's Legion of Georgia, fell when leading a charge at Crampton's Gap in the Blue Ridge Mountains of Maryland. A cousin of Jefferson and Lucius, Col. John B. Lamar, was also mortally wounded in the same engagement. In 1864 he lost his elder and only surviving brother, Thomas B. Lamar, colonel of the Fifth Florida, who was killed in battle in front of Petersburg, Va. In the same year the junior partner of the firm of Lamar, Mott & Autrey was killed in the Battle of Murfreesboro, Tenn. Year after year secession was exacting heavy tribute and priceless treasures from the bleeding South!

About this time the old wooden sign of the law firm, Lamar, Mott & Autrey, which for many years had been idly swinging over the office door at Holly Springs, Miss., was found floating on the waters of the Mississippi—a derelict on its way to the mighty ocean and an ominous foreboding of the wreckage that was to follow the useless sacrifices of this noble triumvirate of southern jurists.

In October, 1862, Colonel Lamar resigned his colonelcy of the Nineteenth Mississippi, and in November was appointed by Jeffer-

son Davis as special commissioner of the Confederate States to the Empire of Russia. His credentials were signed by J. P. Benjamin, the famous Louisiana lawyer, then Secretary of State for the Confederacy. Mr. Lamar returned from his European mission, which included also England, France, and Germany, in January, 1863. He concluded his military services as Judge Advocate in the Third Army Corps, with the rank of colonel of cavalry. After Appomattox, April 9, 1865, he sent the following message to his fellow officers:

"I shall stay with my people and share their fate. I feel it my duty to devote my life to the alleviation, so far as in my power lies, of the sufferings which this day's disaster will entail upon them."

The surrender of General Lee to General Grant was followed by that of General Johnson to General Sherman, April 26, 1865, and General Taylor to General Canby, May 4, 1865; so that when Colonel Lamar started home from Richmond, as he did on May 16, 1865, the war was indeed ended.

Then followed the hopeless and despairing years of the post bellum days. I will not honor this period—in the light of history—by referring to it as the "reconstruction period." It was rather the "period of destruction," where the victor, like Brennus in the forum of ancient Rome, exacted impossible tributes from the conquered peoples with the words, "Vae victis" (woe unto the vanquished).

To quote again from Chancellor Mayes: "To the southern people the future held little hope, the present was full of trouble and suffering. During the long and bitter struggle for the principles which they cherished, a struggle in which they believed themselves to have acted always on the defensive, they had suffered so bravely and so much. The very women and children at home had gone hungry and ill clad; all domestic happiness had been surrendered for years; all the able-bodied men from 16 to 60 had been sent away to the hardships and dangers of the battlefields; all profitable industries had been renounced; private fortunes had been poured into the army chest; the very fields, for want of markets for their products, had been abandoned and desolated; the terrors of invading hosts had been endured; the homes and the cities had been given up to pillage and the torch; the names of a thousand bloody fields had been written upon the tablets of their memories with indelible tears; in every household for years had been borne the daily torturing dread—a dread to be displaced only by the crowning sorrow of the fact—of the loss of the bravest and best beloved; the throne of the omnipotent God had been hourly besieged with groans and prayers and supplications—and all to what end? To this: That not only the humiliation of conquest awaited them, the loss of fortune and of honorable estate in the councils of nations, but also that their honor was challenged; the decision of the sword, which so sternly settles facts, never yet in truth settled a question of right and wrong, either political or moral. The railroads had been torn up to a great extent, many of the cities were in ruins, no crops had been gathered for three years, all movables had been consumed by the war. A free population, containing 5,000,000 people, had lost over two thousand millions of dollar values. Clothing was scarce, food even more so, and their money valueless. The floors of the dwellings had been stripped, the carpets having been used in lieu of blankets, and many families of refinement and former wealth were without the commonest articles of household and table furniture. The grim specter of poverty sat at their firesides and confronted them at their table."

The situation seemed hopeless in June, 1866, when Colonel Lamar returned to the chair of ethics and metaphysics at the University of Mississippi. It was during that year that he, with the late Judge Charles B. Howry, founded on the campus of the University of Mississippi the Mississippi Gamma Chapter of Sigma Alpha Epsilon. Colonel Lamar during the period of the Civil War had met a number of young volunteers from the various chapters of this Greek-letter fraternity, which was founded on the campus of the University of Alabama in the year 1856, and whose founder, Noble Leslie DeVotie, was to be the first sacrifice on the altar of this Confederacy. Seventy-five per cent of the young Sigma Alpha Epsilon collegians enlisted in the war and more than half of their number were counted among the casualties of the battlefields.

There was recently dedicated by the same Sigma Alpha Epsilon fraternity at Evanston, Ill., on the shores of Lake Michigan a magnificent memorial chapel in memory of the members of this fraternity who died on the fields of battle since the founding of the order in 1856. More than 7,000 of them enlisted in the World War, and 150 made the supreme sacrifice on Flanders Field, whose memories are honored with the heroes of the Civil War, both northern and southern, in this magnificent Gothic temple—in so far as I know, the only great monument erected to the Nation's dead regardless of the Mason and Dixon's line. One of the finest memorial windows in the temple is the window, designed by Tiffany, dedicated to the memory of L. Q. C. Lamar, in recognition of the great service which this distinguished statesman and jurist rendered his people and his fraternity. One section of this window represents Lamar delivering his famous and historic eulogy on Sumner on the floor of Congress April 28, 1874. The other section shows him as he took the oath of office as one of the justices of the Supreme Court of the United States on the 18th of January, 1888. The central section depicts the figure of justice holding her scales in balance.

In January, 1867, Colonel Lamar was unanimously elected to fill the chair of professor of law at the University of Mississippi, to which he was to give his entire and exclusive time. During these

years his helpful counsel and advice did much to strengthen the ardor of the southern youth in their seemingly hopeless struggle for existence and education. However, in the spring of 1870 Lamar retired from the University of Mississippi, owing to the changes of administrative policies, which were of such a nature that he felt constrained to leave the university of his choice. When he left the university he admonished the graduates of his law school by saying:

"And now, young gentlemen, as you go home, I pray that you may have prosperity and happiness through life, with just enough sorrow to remind you that this earth is not your home."

In 1872 he again entered the national political arena. National politics had gone from bad to worse. The carpetbagger and corruptionist were enthroned in the South. In May, 1872, Lamar wrote in despair to a neighbor of mine at Cincinnati, the late Charles G. Reemlin:

"I fear, if this agony is prolonged without hope of relief at some period, the southern people will feel that death is better than life; and then despair and Nemesis will rule the hour. Such being the condition, the thought which presses upon every aching heart and head is not how to restore the constitutional faith of our fathers but how to get rid of these creatures, defiled by blood, gorged with spoil, cruel, cowardly, faithless, who are now ruling the South for no purposes except those of oppression and plunder."

In the same epistle to Reemlin, who was a strong supporter of Tilden, as against Hayes, for the Presidency in 1876, Mr. Lamar referred feelingly to Carl Schurz by saying:

"Carl Schurz is the only genuinely popular man in the country. The people think him patriotic, disinterested, and intellectual. They pine for a true man; one true in his principles, lofty in his manners, and a real genius. * * * Schurz has somehow touched their [the people's] hearts."

However, the end of the carpetbagger was not yet—in spite of Carl Schurz and other mature thinkers and statesmen of that period.

In 1873 Lamar's congressional ambitions were realized and he was returned as a member of the Mississippi delegation to the Forty-third and Forty-fourth Congresses. His great opportunity to awaken the conscience of the North to the bitter wrongs that were inflicted upon his people by northern misrule came on the death of Hon. Charles Sumner, Member of Congress from Massachusetts and an ardent abolitionist of the New England type. At the request of the Massachusetts delegation he delivered a eulogy on the life and character of Senator Sumner on the floor of Congress, April 28, 1874, amidst crowded galleries. This speech marked the turning point of the so-called "reconstruction period" and changed the triumphant attitude of the North toward the vanquished and prostrate South. Lamar's eulogy of Sumner has gone down in history as one of the greatest oratorical gems ever delivered on the floor of either House of Congress. His hearers sat in rapt attention as this southern gentleman proceeded with a brilliant analysis of Sumner's character. He reached the climax of his oration when he concluded his great effort, exclaiming:

"The South—prostrated, exhausted, drained of her lifeblood, as well as of her material resources, yet still honorable and true—accepts the bitter award of the bloody arbitrament without reservation, resolutely determined to abide the result with chivalrous fidelity; yet, as if struck dumb by the magnitude of her reverses, she suffers on in silence. The North, exultant in her triumph and elated by success, still cherishes, as we are assured, a heart full of magnanimous emotions toward her disarmed and discomfited antagonist; and yet, as if mastered by some mysterious spell, silencing her better impulses, her words and acts are the words and acts of suspicion and distrust. Would that the spirit of the illustrious dead whom we lament to-day could speak from the grave to both parties to this deplorable discord in tones which would reach each and every heart throughout this broad territory 'My countrymen! Know each other better and you will love each other more!'"

He had awakened the sleeping conscience of the North. The South felt that at last a champion worthy of her cause had entered the lists to bring the tragic era of reconstruction and the reign of terror of the carpetbagger to an early close.

On March 4, 1877, Lamar entered the United States Senate and, reelected, he served until March 6, 1885, when President Grover Cleveland called him to his Cabinet as Secretary of the Interior, in which capacity he served with industry and fidelity until January 10, 1888, when he accepted, at the hands of the President, the appointment as Associate Justice of the Supreme Court of the United States, where he served with distinction and great ability until his death, January 23, 1893.

Thus ended the career of a truly great man—a brave soldier, an unusual diplomat, a courageous champion of a lost cause, a great teacher of jurisprudence, a Congressman and Senator of fearless caliber, a member of Cabinet, and a great judge of a great tribunal. Indeed, Professor Whitfield stated a terse truth on January 24, 1893, when he moved to adjourn court "In honor of the greatest statesman of the South."

"His life was gentle,
And the elements so mixed in him,
That nature might stand up
And say to all the world,
'This was a man.'"

May this splendid portrait of a great Mississippian be a constant reminder to you and to generations yet unborn of a noble and unselfish life.

ENFORCEMENT OF THE EIGHTEENTH AMENDMENT

Mr. COPELAND. Mr. President, a distinguished member of the New York bar, Mr. John H. Hazelton, has prepared a brief relating to the eighteenth amendment of the Constitution. I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORIAL RESPECTFULLY SUBMITTING TO THE SENATE OF THE CONGRESS OF THE UNITED STATES FOR THEIR CONSIDERATION A PROPOSED AMENDMENT (OF CONSTRUCTION) OF SECTION 2 OF ARTICLE XVIII OF THE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

To the Senate of the Congress of the United States:

I am neither a "wet" nor a "dry" (so-called); but I am, by birth, a citizen of the United States and much interested in its welfare.

May I not, therefore, respectfully submit the following:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE

"That section 2 of Article XVIII of the amendments should, and shall, be construed as a grant of concurrent power to both the Congress and the several States to enforce, by appropriate legislation, the entire prohibition of section 1 thereof; that the word 'concurrent' as there used means 'acting in union or conjunction' (that is, running with), and relates to the 'power' granted thereby, not to the 'legislation' power to enact merely, which is granted thereby."

Or the following:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States.

"ARTICLE

"That section 2 of Article XVIII, of the amendments, should, and shall, be construed as a grant of concurrent power to both the Congress and the several States to enforce, by appropriate legislation, the entire prohibition of section 1 thereof; that the word 'concurrent,' as there used, means 'acting in union or conjunction' (that is, running with), and relates to the 'power' granted thereby, not to the 'legislation' power to enact merely, which is granted thereby."

For your consideration.

ARGUMENT

Leaving out of consideration an absolute repeal of the eighteenth amendment (which would, of course, end the "noble experiment" altogether) and leaving out of consideration, of course, the question of revenue, it seems to me that the real question underlying the present admittedly unsatisfactory prohibition situation is the enforcing of the amendment inside of the States.

And it seems to me that the real trouble is the erroneous construction (in National Prohibition Cases, 253 U. S. 350) of section 2 of the amendment, giving power to Congress inside of States— which section, it seems to me, was never properly presented to the court—the main contention in this case (it will be remembered) being that section 1 of the amendment, and, therefore, the entire amendment, was unconstitutional, which, of course, did not tend to any elaborate argument also on a question of construction of section 2, which conceded constitutionality.

It seems to me that a proper construction of section 2 would still leave the amendment (section 1) as a goal, but would leave the laws, if any, to enforce, inside of States (except in time of war and except in certain instances) to each State respectively— thus leaving these laws, if any, to enforce, inside of States, to grow in strength as the sentiment in the particular State grows, rather than attempting to enforce, inside of States, by laws of Congress, against the sentiment in the particular State.

It will, of course, be remembered that the Law Enforcement Commission found:

"1. The commission is opposed to repeal of the eighteenth amendment. * * *

"5. The commission is of opinion that the cooperation of the States is an essential element in the enforcement of the eighteenth amendment and the national prohibition act throughout the territory of the United States; that the support of public opinion in the several States is necessary in order to insure such cooperation."

And this is exactly what would follow, it seems to me, if (merely) the words "concurrent power" in section 2 of the amendment were properly construed.

And the proper construction, it seems to me, is that given in (either of) the proposed amendments (of construction), these differing not at all in the (proposed) amendment proper but only in the method of ratification.

Article XVIII of the amendments says:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof

from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

These words, "concurrent power," in section 2 are used to denote the kind of power in both "the Congress and the several States" to enforce the entire prohibition of section 1, not the kind of power in each, it seems to me.

Looking first at this amendment by itself:

The first thing to note is that we can not (properly) construe this section 2 without reading into it the prohibition of section 1, "concurrent power to enforce" which "by appropriate legislation" is thus given.

(And looking at this section 1 we immediately see that the amendment is not confined to the States of the United States.)

The next thing to note is that this section 2 is but a single sentence; that the word "concurrent" is used but once; and that it applies equally to the power of both "the Congress and the several States" "to enforce this article by appropriate legislation," not to the power of each or either.

(And, thus noting, we see that we are not considering here at all the jurisdiction of a court, which passes upon the particular case only, but upon all the parties to it, if upon the case at all, but the power of legislation, which acts upon all persons subject to the particular power that legislates, of course, but which acts upon those persons only who are subject to that particular power of legislation.)

But, thus reading these sections together and thus noting, we see that we here have a very unusual situation—a "concurrent power" to enforce given to both "the Congress and the several States," which power to enforce (in its entirety) could be given to Congress alone, but which power to enforce (in its entirety) could not possibly be given to the several States alone, and therefore was not given to the several States at all (in its entirety).

In other words, the prohibition of section 1, it will be noted, extends throughout "the United States and all territory subject to the jurisdiction thereof"; and there is territory in the United States, etc., over which not all of the States could possibly have any power.

And therefore, as the grant of power is of "concurrent power" to both "the Congress and the several States" "to enforce this article"—that is, to enforce the entire prohibition of section 1—it follows that we must construe the words, "concurrent power," having the same meaning as to both the Congress and the several States, it will be remembered, so far as "Congress" is concerned, just as (as stated) it must be construed as to "the several States," so that Congress has not power everywhere either.

In other words, the power, it will be noted, is in both "the Congress and the several States" and is "concurrent" to do the same thing, viz., to "enforce by appropriate legislation" the prohibition of section 1; and this prohibition extends beyond the States and could not, therefore, be enforced in its entirety by (all even of the) States and, therefore, was not intended to be enforced in its entirety by the Congress, because (as stated) the power in both is "concurrent," and whatever is this "concurrent power" in both, the "power" of each must be a power of which that each is capable before the power of both can be "concurrent power."

Our search, therefore, must be for that particular meaning of the word "concurrent" that permits this.

And with this in mind I assert without fear of proper contradiction that this word as here used clearly means that the Congress and the several States, both, "shall have * * * power," acting in union or conjunction (that is, "concurrent," or running with) "to enforce" section 1, not that either alone can enforce the entire section, but that both can ("shall have power") to enforce the entire section, if both act in union or conjunction.

Or, to be more specific, the word "power" should be taken with the words "the Congress and the several States," (not with the words "the Congress" only, or with the words "the several States" only) showing that the power referred to is that of both, not of either or each; the word "concurrent" should be taken with the word "power," next to which it is, and not at all with the word "legislation"; and the words "concurrent power," not either only, but both, should be taken with the words "to enforce this article," showing that the power of both is that kind of power that is "concurrent" and that being "concurrent," would enable them both to enforce the entire prohibition that precedes, namely, the entire prohibition of section 1.

There is no getting away from this.

The meaning given, "acting in union or conjunction," is the only meaning of the word "concurrent" that can always be used with both the word "Congress" and the words "the several States" as applied to the power to enforce the entire prohibition of section 1, which is what the section says.

To test this, all one has to do is to give to this word "concurrent" some other meaning than this "acting in union or conjunction" and see the difficulties that instantly result.

Take, for instance, the conclusions of the court itself in national prohibition cases. Among these conclusions are:

"8. The words 'concurrent power' in that section (sec. 2) do not mean joint power [correct], or require that legislation thereunder by Congress, to be effective, shall be approved or sanctioned by the several States or any of them [correct]; nor do they mean that the power to enforce is divided between Congress and the several States along the lines which separate or distinguish foreign and interstate commerce from intrastate affairs [incorrect].

"9. The power confided to Congress by that section, while not exclusive, is territorially coextensive with the prohibition of the

first section [correct—but (except in time of war) it is not the same everywhere], embraces manufacture [correct—but (except in time of war) not manufacture, generally, inside of States] and other intrastate [correct only in the Army and the Navy and as to the business of the National Government and in time of war] transactions as well as importation, exportation, and interstate traffic [correct—but with certain limitations], and is in no wise dependent on or affected by action or inaction on the part of the several States or any of them [correct]."

In other words, they construed the section as if it read:

"The Congress shall have power to enforce by appropriate legislation this article; the several States shall have power to enforce by appropriate legislation so much of this article as comes within the several States; and—where both have power to enforce (all or any part of this article)—their powers shall be 'concurrent.'"

Which is not what the section says.

Take for instance the opinion of Chief Justice Taft in *U. S. v. Lanza* (260 U. S., 397).

It will be noted that—in States—he uses the word "concurrent" to mean "joint and equal in authority" but that—in territory not States—he (therefore, necessarily) disregards the word "concurrent" altogether.

As to the power of each (of the Congress and of the several States)—

Even after we have fixed, as we have, however, the "concurrent power" of both as concurrent power to enforce the entire prohibition of section 1, there is still the question of what is the power of each (of the Congress and of the several States); and whether at all "concurrent," except as given, as the power of both is concurrent to enforce the entire prohibition of section 1.

If so, of course, it must be found otherwise in the amendment itself; or it must be found in the rest of the Constitution.

Here, therefore, we must look both at the amendment itself and at the rest of the Constitution.

But here we may start out with what we have already established:

The section itself does not say that the powers of each or of either are "concurrent."

The section itself deals merely with the powers of both to enforce the entire prohibition of section 1, and this power of both, it says, is "concurrent."

Therefore here, as to the power of each (of the Congress and of the several States), the first thing to note is, of course, that we must now reason just the reverse of our reasoning from the grant of power to both to enforce the entire prohibition of section 1. We no longer must reason (as we have) that because the States can not enforce the entire prohibition of section 1, neither can Congress enforce the entire prohibition of section 1; but as neither, as we have seen, is given power to enforce the entire prohibition of section 1, it follows that some part at least of the prohibition of section 1 is enforced only by either (the Congress or the several States), and that the power to enforce this part enforced by either, no matter by which, can not possibly be concurrent in any other sense than power concurrent in both to enforce the entire prohibition of section 1, which is what the amendment itself says.

And, this being determined, the question then is whether the power of either to enforce any of the prohibition of section 1 is a concurrent power in any other sense than power concurrent in both to enforce the entire prohibition of section 1.

Certainly, from anything in section 2 itself, we are not to assume that either (each), in enforcing any part of the prohibition of section 1, has a concurrent power in any sense of the word except the one we have given as to the power of both to enforce the entire prohibition of section 1, because that would be to assume that—notwithstanding the use of the word "concurrent," only once and in the sense we have shown, as applied to the power of both—it was intended (but not expressed) also that each should have concurrent power in another sense than the one expressed, which is hardly to be assumed.

Certainly, too, from anything in section 2 itself—as the word "concurrent" is used but once, and as applicable to the power of both to enforce the entire prohibition of section 1—there is no presumption that the power of each or either is concurrent in any sense of the word except the one we have given as to the power of both to enforce the entire prohibition of section 1. Indeed, the presumption—under such circumstances—would be just the other way.

So that—all of this being so—it follows that we must answer this question also in the negative, unless we find something in the rest of the Constitution, as distinct from the section itself, to make us answer in the affirmative.

But here (in the rest of the Constitution) we are instantly met with "the supreme law of the land" provision of Article VI of the (original) Constitution—and thus find the question completely disposed of.

It follows from this "supreme" provision, of course, that—under the Constitution (also properly construed) as it stood before the amendment—there could not possibly be, at the same time, any concurrent power in Congress and the several States in any other sense of the word than the one we have given as to the power of both to enforce in its entirety such a prohibition as that in section 1; for—with such a provision in the Constitution as this "supreme" provision—there never could be any conflict of power between Congress and the several States.

Previous to this amendment without question.

Where Congress had power (of any kind) but the States had no power—for instance, in the District of Columbia, etc.—Congress only could act. Where Congress had exclusive power, the States

being prohibited, Congress only could act. Where Congress had power, but not exclusive power, and the States also had power, the States could act until Congress acted, when the action of Congress became "supreme." Where the States had power, but Congress had no power—for instance, inside of States (except in the Army and in the Navy and as to business of the National Government, in States, and except in time of war)—the States only could act.

In other words, we immediately see that neither could declare, or act to enforce, any part of a prohibition such as the prohibition of section 1 that the other could declare, or act to enforce, at the same time.

But we immediately see also that both ("acting in union or conjunction") could have declared and enforced, if they had wanted to do so, a prohibition such as the entire prohibition of section 1, each a part.

That is, we immediately see that the entire prohibition of section 1 of the amendment is nothing more than a prohibition which "The Congress and the several States" themselves have always had concurrent power to make, but never made; and which the people of the United States, by an amendment, made.

And we immediately see that section 2 merely gives Congress and the several States the same "concurrent power" to enforce this prohibition made by the people themselves, by an amendment, that the Congress and the several States would have had to enforce such a prohibition if they themselves had (each so far as it had power without any amendment) declared such a prohibition.

And, seeing this, why should we look for any other meaning?

Certainly, what a provision is must indicate to some extent at least what the provision means?

Certainly, as section 2 itself indicates no change in the power of either (of the Congress or of the several States) as to enforcement, we should not assume a change in the power of either, as to enforcement.

Indeed, what was more natural than that in framing a provision for the enforcement of an entire prohibition it should be framed in words applicable to its entire enforcement, not applicable to its enforcement in part?

Indeed, does it not, therefore, thus, definitely appear that the people, in section 2 (merely), adopted, for the purposes of their amendment the powers they found already existing, as to the enforcement of prohibition, in the Congress and the several States, but without attempting (because not here necessary) to detail the powers of each?

In the language of the amendment itself:

"The Congress and the several States shall have concurrent power [that is, shall have, acting in union or conjunction, power] to enforce this article by appropriate legislation."

Why, certainly, should we assume such an unnatural change as that Congress should have power also inside of States without its being said?

If such a change had been intended, surely it would have been expressly so stated.

Besides that, with such a construction as that for which I am contending, there is no conflict at any time between the United States and the States; the word "supreme" in Article VI continues to have its meaning as before (which it necessarily must have, unless changed for the purposes of this amendment by the use of "concurrent" in this amendment, for this is the only use of the word "concurrent" in either the original Constitution or in any of the amendments); and "devoutly to be wished"—there can be no double punishment by the United States and a State, because there can be no conflict.

And these are the results that naturally should be.

In other words, we should be construing Article XVIII of the amendments, even though it does use for the first time the words "concurrent power," harmoniously with the rest of the Constitution (so that not only this Article XVIII but everything else in the Constitution stands and has its due meaning) and that is the way the Constitution should naturally be construed.

The changes in the phraseology of the (proposed) amendment in Congress before the amendment passed Congress show that this is so, it seems to me. As first offered in the Senate the (proposed) amendment read:

"The Congress shall have power to enforce this article by appropriate legislation, and nothing in this article shall deprive the several States of their power to enact and enforce laws prohibiting the traffic in intoxicating liquors."

As it passed the Senate it read:

"The Congress shall have power to enforce this article by appropriate legislation."

The first of these, of course, would have given power to Congress everywhere (even in States) to enforce the entire prohibition of section 1; but it would have given no power to the States (in States) to enforce (any part of) the prohibition of section 1; that is, no power to enforce the amendment; but it would expressly have left unimpaired in the States their power previous thereto "to enact and enforce laws prohibiting the traffic in intoxicating liquors."

The second would have given power to Congress everywhere (even in States) to enforce the entire prohibition of section 1; but it would have given no power to the States (in States) to enforce (any part of) the prohibition of section 1; that is, no power to enforce the amendment; and it would have left the power already existing in the States without express comment.

And either would have resulted in untold litigation to construe.

JOHN H. HAZELTON.

HEMPSTEAD, N. Y.

AMENDMENT OF AGRICULTURAL MARKETING ACT

The Senate resumed the consideration of the bill (S. 4536) to amend the agricultural marketing act, approved June 15, 1928.

Mr. HOWELL. Mr. President, I ask permission to withdraw the amendments to the bill remaining unadopted which I offered yesterday.

The VICE PRESIDENT. The Senator has that right.

Mr. HOWELL. And in lieu thereof I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, line 11, it is proposed to strike out "said board" and to insert in lieu thereof "the Secretary of the Treasury."

The VICE PRESIDENT. Without objection, the amendment is agreed to. The next amendment of the Senator from Nebraska will be stated.

The CHIEF CLERK. On page 15, line 13, it is proposed to strike out "said board" and to insert in lieu thereof "the Secretary of the Treasury."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Nebraska will be stated.

The CHIEF CLERK. On page 15, beginning in line 14, after the period, it is proposed to strike out all of lines 15, 16, 17, and 18, as follows:

On and after July 1 next following the passage of this title, a customs duty of 4 cents per pound shall be levied, collected, and paid on all cotton imported into the United States or Puerto Rico in the same manner as other customs duties are levied, collected, and paid.

Mr. KING. Mr. President, I should like the Senator from Nebraska to explain what he is seeking to accomplish by that amendment.

Mr. HOWELL. The words proposed to be stricken out provide for raising revenue and are not properly in a bill originating in the Senate.

Mr. WALSH of Montana. Quite aside, Mr. President, from the criticisms of Title III in the pending bill with respect to its operation, I can not think there can be any serious doubt in the mind of any lawyer here that the provision of the bill which makes it punishable as a crime to buy commodities falling under the operation of the bill except at a price fixed by the board violates the most fundamental constitutional principle. I can not think that question is a debatable one at all. Two parties enter into an agreement, the one to buy and the other to sell, at a price that is mutually agreeable, a commodity which is not only innocuous in every particular but which is absolutely necessary to the maintenance of life, for instance, in the case of wheat. Such a transaction is denounced by the bill and made penal. I trust that no hopes will be entertained by anybody that a bill of which such a provision is the central fundamental feature can withstand attack upon the ground that it is void under the Constitution.

This part of the bill is denominated, Mr. President, the allotment plan, although I see nothing in the provisions which justify the title by which it is named. On May 25 last the Senator from South Dakota [Mr. NORBECK] had inserted in the RECORD an article telling about a real allotment plan by which the amount of a particular commodity brought under the operation of the act should be allotted among the various producers of that particular commodity. Having referred to the bill as it is now before the Senate, the Senator from South Dakota said:

Mr. President, I ask that there may be printed in the RECORD an explanation of another domestic allotment plan, by W. R. Ronald, of Mitchell, S. Dak., publisher of the Mitchell Republican. Mr. Ronald is a member of a committee of five appointed at a recent meeting held at Chicago whose purpose it is to bring before the public the merits of this plan.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE DOMESTIC ALLOTMENT PLAN

"W. R. Ronald, of Mitchell, S. Dak., member of a committee chosen at a Chicago conference to promote the domestic allotment plan to make the tariff effective on farm products of which there

is an exportable surplus, spoke as follows at a luncheon attended by various Members of the Senate and House of Representatives:

"The idea of the domestic allotment plan was first suggested by the late Doctor Spillman, of the United States Department of Agriculture, in 1926. In 1929 Prof. John D. Black, of Harvard University, who is also chief economist of the Federal Farm Board, wrote in his collegiate capacity a book entitled "Agricultural Reform in the United States," in which he devoted a chapter to the allotment plan of making the tariff effective on home consumption of farm products of which there is an exportable surplus. He developed the idea considerably from the form in which Doctor Spillman presented it.

"In the past two years Prof. M. L. Wilson, head of the department of agricultural economics of the Montana State College, Bozeman, Mont., made some 50 addresses to meetings of farmers, at each of which he explained the four different plans of making the tariff work for the farmer or, at least, improve domestic prices—stabilization, the equalization fee, the export debenture, and the allotment plan. He attempted to make no case for any of them, but in each meeting the farmers declared emphatically for the allotment plan. As a result, the Montana State Farm Bureau at its last meeting indorsed the proposal.

"In consequence of this, Vice President Stockton, of the Montana State Farm Bureau, invited a number of those who had become interested in the plan to attend a conference at Chicago to discuss it. This group indorsed the principles of the plan and named a committee composed of M. L. Wilson, chairman; E. H. Harriman, of Boston, Mass. (newly elected president of the United States Chamber of Commerce); Louis S. Clark, of Omaha, president of the Mortgage Investors' Association of Nebraska; Henry A. Wallace, editor of Wallace's Farmer, of Des Moines, Iowa; R. R. Rogers, of Newark, N. J.; and W. R. Ronald, editor of the Mitchell (S. Dak.) Evening Republican, and instructed the committee to complete a bill for introduction into Congress. Following this, Mr. Wilson spent some two weeks in Washington and New York and presented the plan to a considerable number who have opposed all other farm price measures, including some high in official and business life, and found general approval of the plan for the reason that, unlike all others, it prevents any increase in acreage or production of products benefited but actually makes possible positive reduction of them when found desirable."

The remainder of the article appears in the RECORD of May 25 at page 11144.

This plan, Mr. President, proposes, as the bill before us does, that there shall be made by the Department of Agriculture an estimate of the amount of the annual production, an estimate of the amount necessary for domestic consumption, and an estimate of the amount that will go into the export trade. That amount then is allotted to the various States in proportion to their average production for the past period of five years. Then an organization within the State apportions the amount which may be produced in each county in the same way on a basis of the average for the past five years. The county organization then allots the amount to the various producers. There is nothing forced about it at all. Then the processors of the product—that is, the millers or others—will pay into the Treasury of the United States on each unit purchased an amount equal to the duty upon that particular commodity. The allottees are then requested to sign a contract by which they agree to sow no more acreage than that which is fixed by the Farm Board; that is, allotted by the Farm Board. They may sign or not, as they please; but if they sign, they then become entitled to share in the fund which is thus accumulated in the Treasury. If they do not sign, they do not share. In a general way, those are the features of the plan.

It was elaborated by Professor Wilson, who, I may say, stands high in the Nation as an authority upon agricultural questions, before the Committee on Agriculture of the House of Representatives 10 days ago. As a result of his elucidation of the plan before that body, Representative FULMER was directed to introduce a bill embodying the plan. It is House bill 12461. I introduced in this body a duplicate of the bill, being Senate bill 4859.

It was my purpose, Mr. President, to offer this bill as a substitute for Title III of the bill now under consideration; but the purpose of the plan is to make effective to the agricultural industry the paper duties upon agricultural products, duties which are really of no significance, so far as returns to the farmers are concerned; but, there being no duty upon short-staple cotton, the bill would have to make provision, and it does make provision, for a duty of 5 cents per pound upon short-staple cotton; and that, of course, makes the bill of such character as that it can not originate in this House. So it would be subject to a point of order

and could not be considered in connection with the pending measure, and perhaps it would be inadvisable to send the bill to the House with such a provision in it. I speak of it, however, in the hope that the bill will have some consideration by the Members of this body and in the hope that Members of the House will give it consideration in connection with this bill later on.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. WALSH of Montana. I will yield in a moment. The important thing about this bill is that, although it offers a very much greater return to the producer, it can not result in an increase in the production, because that is always under the control of the Farm Board. They may limit production; that is to say, they fix the amount, and the producer will get returns only upon that part which is consumed in the domestic trade, and the remainder he must dispose of as he can. Accordingly, he will not get such a return as will make it advisable for him to extend his acreage to any considerable extent. I now yield to the Senator from North Dakota.

Mr. FRAZIER. Mr. President, the provision in the pending bill known as the allotment plan provides only for cost of production on the amount used for home consumption here in the United States. Under the plan of which the Senator from Montana speaks, known as the Wilson plan, the amount to be paid to the farmer is based on the amount of the tariff on those products, which would not give, under present conditions, the cost of production to practically any of the commodities produced in the United States to-day. Unless we can have a tariff such as France has, such as Germany has, such as Italy has on farm products, that gives the farmers cost of production when that tariff is made effective, a plan such as the Senator suggests would be of little value to our farmers in the United States.

Mr. WALSH of Montana. Are we to understand from the Senator from North Dakota that he expects that under the plan found in this bill the price of wheat for domestic consumption, for instance, would be greater than 42 cents a bushel above the world price?

Mr. FRAZIER. It would have to be if it gives the farmer the cost of production under present circumstances.

Mr. WALSH of Montana. So that the Senator is looking, under the bill before us, for a price of wheat for domestic consumption greater than 42 cents a bushel in advance of the world price?

Mr. FRAZIER. Mr. President, 42 cents over the world price at the present time does not give cost of production. This bill is based on cost of production.

Mr. WALSH of Montana. Whether it does or not, that is what the Senator is looking for?

Mr. FRAZIER. Certainly. Unless the farmer gets cost of production for his product, he can not get along. He can not make a success of his farming any more than any business man on earth can make a success of his business unless he gets cost of production.

Mr. WALSH of Montana. The Senator's hopes are high.

Mr. FRAZIER. Unless that can be done, Mr. President, the farmer of the United States has no hope at all. He will be put down and out, as he is going and has been going for the past year.

Mr. WALSH of Montana. The debenture plan provides, my recollection is, for one-half of the tariff.

Mr. FRAZIER. Does the Senator think that would give the farmer cost of production under the present circumstances?

Mr. WALSH of Montana. I was not talking about that. I was talking about what you can get. If you could get anything like 42 cents a bushel for your wheat over and above the world price, you ought to feel extremely happy about it. I am sure the farmers of Montana would.

Mr. FRAZIER. I am sure it would not do the farmers of Montana any good if it gives them only half the cost of production. They would go broke just the same as they are

going broke now. It would merely delay the agony a little longer.

Mr. WALSH of Montana. I do not desire to discuss the matter any further, Mr. President. I submit this matter for the consideration of the Senators in lieu of a proposition that I think everybody who reflects upon at all, who knows anything about constitutional principles, will be convinced is perfectly hopeless, and that you are holding out the word of promise to the ear and breaking it to the hope to these people who have been a long time awaiting some relief.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1768. An act to provide for the opening and closing of roads within the boundaries of the District of Columbia workhouse property at Occoquan, Fairfax County, Va.;

S. 3929. An act to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes;

S. 4106. An act to provide for the closing of certain streets and alleys in the District of Columbia, and for other purposes;

S. 4396. An act to provide for readjustment of street lines and the transfer of land for school, park, and highway purposes, in the northeast section of the District of Columbia, and for other purposes;

S. 4689. An act to authorize the closing of certain streets in the District of Columbia rendered useless or unnecessary, and for other purposes; and

S. 4736. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to extend its present track connection with the United States navy yard so as to provide adequate railroad facilities in connection with the development of Buzzards Point as an industrial area in the District of Columbia, and for other purposes.

AMENDMENT OF THE AGRICULTURAL MARKETING ACT

The Senate resumed the consideration of the bill (S. 4536) to amend the agricultural marketing act, approved June 15, 1929.

Mr. GEORGE. Mr. President, I desire to say a few words about the bill generally. It has been amended so many times that it is quite difficult to understand what it now provides, because, for the most part, the amendments offered and accepted were not printed. But, referring to the equalization-fee provision of the bill, or Title I, at page 8, we find this provision:

Under such regulations as the board may prescribe the equalization fee determined under this section for any agricultural commodity produced in the United States shall in addition be collected upon the importation of each designated unit of the agricultural commodity imported into the United States for consumption therein, and an equalization fee, in an amount equivalent as nearly as may be, shall be collected upon the importation of any food product derived in whole or in part from the agricultural commodity and imported into the United States for consumption therein.

I dare say that it can not be contended by anyone that that is not a tariff provision, a wide and sweeping tariff, not only upon the agricultural commodity but upon any food product into which the agricultural commodity enters, in whole or in part, when imported into the United States.

Then, going to the debenture provision of this bill, it will be noted that on page 14 it is provided that—

The debenture rate in effect at any time with respect to any manufactured product of any debenturable commodity shall be an amount sufficient as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the debenturable commodity used or consumed in the manufacture of the exported manufactured product, as prescribed and promulgated from time to time by said board.

And in subsection (b), there is an express provision for a customs duty of 4 cents per pound on cotton, to be collected and paid on all cotton imported into the United States or Puerto Rico in the same manner as other customs duties are levied, collected, and paid.

Mr. HOWELL and Mr. SHORTRIDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield; and to whom?

Mr. GEORGE. I yield to the Senator from Nebraska.

Mr. HOWELL. I call attention to the fact that an amendment has just been adopted by the Senate striking out that provision.

Mr. GEORGE. I am glad to learn that, because that is in plain terms, of course, a tariff duty which the Senate, at least, would have no power to originate.

Mr. SHORTRIDGE. Mr. President—

Mr. GEORGE. I yield to the Senator from California.

Mr. SHORTRIDGE. To make clear what has just been stated, under the present law there is a tariff duty of 7 cents per pound on long-staple cotton; and until the remark just made by the Senator from Nebraska I was curious to be advised as to whether or no, if that provision remained in the bill, it would impliedly amend the existing law in respect to the tariff on cotton.

Mr. GEORGE. Undoubtedly that would be true. The Senator from Nebraska now advises us that the provision is taken out of the bill, however.

Now going to the allotment plan, on page 18, subsection 1, at the bottom of the page, we find this provision:

To the end that the policy declared in this act may be effectuated, the Federal Farm Board is authorized, whenever it finds that the importation into the United States of any such agricultural products or their substitutes produced outside of the United States materially affects or is likely to materially affect the sale in the domestic market of any such agricultural products at a price not less than the cost of production, to proclaim that fact; and thereafter it shall be unlawful to import, directly or indirectly, any such products or their substitutes into the United States.

That, of course, is an embargo. There is no attempt to disguise it.

Then follows, in subsection (2) on page 19, the remarkable provision which the Senator from Montana has already brought to our attention with reference to the sale of farm products in the United States by the producers thereof:

It shall be unlawful for any licensee to purchase any agricultural products at a price less than the cost of production proclaimed by the Federal Farm Board.

And in subdivision (3):

Any person who, without a license issued pursuant to this section, intentionally or knowingly engages in or carries on any business for which a license is required pursuant to this section, or intentionally or knowingly makes any purchase in violation hereof, and any person who intentionally or knowingly violates any other provision of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Now, Mr. President, aside from the fact that we have in each one of the titles in this bill provision for tariffs—except, perhaps, the debenture title, from which it has been stricken—we have provision in this bill for tariffs to be levied by the Federal Farm Board almost at its discretion, upon the mere finding that it is not able to carry out the original purposes of the farm marketing act. It is a most extraordinary attempt to vest in the Farm Board the power to impose tariffs, to determine the amount of the tariffs, and the power to issue embargoes.

Even if it were constitutional—and I do not think anyone could imagine that the Congress, wherever the bill originated, could give to the Farm Board the extraordinary power to fix tariffs and to impose embargoes sought to be conferred upon the board in this bill—it seems to me that the Congress would certainly never give such power as this to the Farm Board or to any other agency of government.

I dare say that agriculture could not live under this bill if it were put into operation. If it were actually carried into execution for 12 months, it would destroy any industry to which applied. Arbitrary power such as is given in this bill over a great industry like agriculture seems to offend every accepted principle. It seems to be offensive to sound principle, to general principles recognized by the hornbook.

The purpose of the bill, of course, is to do something for agriculture; but, in my judgment, we can do much harm to agriculture by giving the Farm Board such broad power as

is given here, even if we could, under the Constitution, confer such power.

I invite attention again to this particular provision in the allotment plan:

The Federal Farm Board is authorized, whenever it finds that the importation into the United States of any such agricultural products or their substitutes produced outside of the United States materially affects or is likely to materially affect the sale in the domestic market of any such agricultural products at a price not less than the cost of production, to proclaim that fact; and thereafter it shall be unlawful to import, directly or indirectly, any such products or their substitutes into the United States.

Loosely, the Farm Board is given the power to determine whether importations of an agricultural product or a substitute will actually affect or are likely to affect the sale in the domestic market of any such agricultural product at the price fixed by the board. Then the board is to have the power to issue an embargo.

Mr. President, yesterday some facts were brought to the attention of the Senate. I want to emphasize them, in full sympathy with the general spirit and purpose of the bill, but nevertheless I wish to emphasize them.

The allotment provision in this bill is clearly void. It could not be sustained anywhere, and I dare say that no one would seriously attempt to sustain it after he has thought about it. It is not an attempt to regulate farm products entering into interstate and foreign commerce. The only jurisdiction we have is to regulate the product that enters into interstate and foreign commerce. All that is attempted with respect to a farm product in interstate and foreign commerce is to say that it must be exported. It must be separated or segregated and withheld from the market. What is undertaken to be done is to regulate that part of the product which enters into domestic commerce; and there is not a suggestion that State lines have anything whatsoever to do with the general scheme and purpose of this bill. There is no attempt to regulate agricultural products in interstate commerce. The whole scheme is this, as I gathered yesterday from the distinguished Senator from Nebraska [Mr. HOWELL], that if one is engaged in cotton raising, and produces in a given year 20 bales of cotton, one-half of that cotton, in the discretion of the Farm Board, must be sold in the domestic market at the price fixed by the board, the other one-half must be exported, or must be withheld from the market, must be taken off the market, and can not be sold in the domestic market at all.

It was yesterday pointed out that the cotton producer does not carry his cotton to market at one time. He produces his cotton and usually carries it from the gin to the market daily as he gins it.

It was suggested here that each bale should be sold, one half of it at the domestic price fixed by the board, the other half at the world price. How can you compel anyone to buy the cotton? How could you induce any cotton buyer to buy a bale of cotton and to pay for 250 pounds of the cotton, let us say, 15 cents a pound, the amount fixed by the Farm Board, and pay for the other one-half of the cotton, or 250 pounds, at the present world price, something like 4 cents a pound, let us say, in the primary market? What could a buyer do with it? The buyer could not do anything but export it or segregate it and withhold it from the market. If he is not an exporter he could not handle it.

There would be no practicable way to sell a bale of cotton under this bill. It would be impossible for the farmer to dispose of it, because the purchaser would be required to segregate half of one bale of cotton. If he were buying only one bale of cotton, or if he were buying a hundred bales of cotton, the principle would be the same. He could not segregate it, he could not separate it, he could not put half of it into domestic consumption and hold the other half at the will or wish of the Farm Board. Cotton fluctuates from day to day.

Let us go a step farther. The farmer is producing cotton, let us say, in a given county. Within sight of his field is a factory. The factory buys the raw products of that county, manufactures them into finished products, and sells the finished goods within the State. There is no warrant, of

course, under the Constitution to say to the man who produces, and the man who buys, and the man who sells, and to the men and women and children who consume within the county, wholly within the State, that they must comply with the regulations and restrictions of this particular allotment plan.

Let us see what would happen. Here is a mill which desires cotton. The mill undertakes to buy the cotton from the producer, but the mill buys only the cotton which has been marked for domestic consumption at the price fixed by the Federal Farm Board. The mill receives the cotton, manufactures it into cloth, or into yarn, or what not, and then it discovers that it can not sell its manufactured product in the domestic market. What is it to do? It has paid for the cotton the higher price fixed by the board, or 15 cents a pound, on the assumption that it would use the cotton for domestic purposes, and in good faith it intended to use it to supply the domestic demand, but after having manufactured the cotton into cloth, it finds that it has no market anywhere in the United States and must export it, and must export the cloth for which it paid the high American price and, of course, receive whatever it may receive in the world market.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. GEORGE. I yield.

Mr. HOWELL. I recognize the validity of the argument made by the distinguished Senator from Georgia. I want to call his attention to the fact, however, that his picture of what would happen is just exactly what the cotton goods manufacturer does to-day. He buys cotton; he then has to find a market for it; and if he can not find a market for it in the United States, he has to export it. That would be the situation he would be in under the provisions of this bill.

Mr. GEORGE. Mr. President, of course if he can not find a market he must export; but he has bought his cotton both to supply the domestic demand and the foreign demand, and at precisely the same price, and is placed at no disadvantage.

What I am trying to say to the Senate is that one could not sell a bale of cotton under this bill. Nobody would buy the cotton. The mill could not buy it, the factor could not buy it, for the reasons indicated.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. FRAZIER. There might be some objection raised if there were just one bale of cotton produced and sold; but that is not the fact, of course. If it were 50 per cent for home consumption and 50 per cent for export, the licensed buyer could pay for half the cotton the farmer brings in the domestic price fixed by the board, and for the other half the world price, as determined, and the exporter would pay that world price, would buy at that world price, or it could be put in storage if the buyer wanted to do so. I do not think there is anything to quibble over in regard to that at all.

Mr. GEORGE. I am not quibbling over it, but if the Senator were engaged in cotton farming and marketing, and knew the cotton business, he would know that under this bill he could not sell his cotton, because no one, generally, would buy. The farmer himself can not foreknow, when he begins to gather his cotton, how much he is going to make. He can not take two bales and say, "This one is for the domestic consumption, and this other one for the export trade," because he can not foreknow what his total crop will be. He has to deal with it as he gets it day by day to the market.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. McKELLAR. Take the case of a tenant farmer, and probably most of the cotton is raised by tenant farmers. Suppose he raises 15 bales of cotton; before he raises that cotton he has borrowed the money with which to produce

it, and owes nine-tenths of the value of the cotton after it is raised. What would be the effect of this measure on cotton raised that way? Could the man sell it all to his merchant, or just what would happen? The Senator from Georgia knows, as I know, and as every other Senator from the South where cotton is raised knows, that probably half of the cotton is raised by tenant farmers, and they all have to mortgage their crops in order to get the money with which to produce the crops. How could such a man get along at all, and how could a merchant get his pay under the terms of this bill?

Mr. GEORGE. I do not think he could if the Senator assumes that the terms of the bill are valid and enforceable. But even getting over that hurdle, and having produced the cotton, one who did produce it and who was seeking to dispose of it could not dispose of it to the buyer or to the mill, because whatever may have been the original purpose, every mill man knows that he would probably find it necessary to dispose of his manufactured products in the foreign market, if he disposes of them at all, and therefore you would wholly destroy the market for cotton.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. FRAZIER. This bill is intended to give the farmer, the producer, the cost of production for the amount of his product used in home consumption. Would it not be better for the cotton farmer, even if he has to take, say, 10 cents, if that was the cost of production, for his half of the cotton, than it would be to get 10 cents for half of it and 4 cents for the other half? Would not that put him in position to pay his debts a great deal better than if he received the world price for all of it?

Mr. GEORGE. I fully agree with the Senator that it would be better if the farmer got anything, but he would not get anything for his cotton. He would have to go out of the cotton business if this bill should become law and was enforced. Generally he would not be able to sell it at all.

Mr. FRAZIER. Mr. President, under this measure the buyer would be licensed.

Mr. GEORGE. Yes.

Mr. FRAZIER. And he would be compelled, under the law, to pay the cost of production as fixed by the board for a percentage of each farmer's production, based on cost of production.

Mr. GEORGE. Who would be compelled to buy it?

Mr. FRAZIER. The licensed buyer would be compelled to buy it or lose his license to buy.

Mr. GEORGE. That is the chief weakness of the measure, as I see it; its framers have not found anybody to whom they can say, "You must buy this cotton at the price we fix." That is a defect in the scheme.

Mr. FRAZIER. The measure provides that no one can buy cotton or other products as a business unless he is licensed.

Mr. GEORGE. Exactly.

Mr. FRAZIER. And an embargo would be placed against importing any of a given product at a price below cost of production. Then no cotton would be sold and no cotton would be bought unless it were bought through these licensed buyers.

Mr. GEORGE. Yes; but buyers would not want a license. They would go out of business as quickly as they could get out. You can not make anybody buy cotton.

Mr. FRAZIER. Of course not. You could compel them to go out of business, though, if they did not comply with the law and buy under the regulations.

Mr. GEORGE. That is what would result.

Mr. FRAZIER. And then some one else would go into the business.

Mr. GEORGE. Then the entire market would be gone.

Mr. FRAZIER. No; we would have to have cotton, with these regulations, just the same as we do now, for our factories and mills, and they would pay cost of production for the amount used for home consumption. That would be all the difference.

Mr. GEORGE. Mr. President, I wish the Senator's idea could be actually translated into law; but as a practical man,

who has spent most of his life in the cotton fields, I am decidedly disposed to doubt that we could make this law work at all.

Mr. FRAZIER. Mr. President, I wonder whether the Senator from Georgia would be willing, then, to strike cotton from this bill?

Mr. GEORGE. I certainly would be delighted to have it stricken out of the bill.

Mr. FRAZIER. As far as I am concerned, my interests are with the people of the North, who raise wheat, and I am not concerned with cotton any more than to see that the people who raise cotton get cost of production for at least the part that is used in home consumption.

Mr. GEORGE. Mr. President, I am not discussing the wheat problem, because I do not know much about it, but I am discussing the cotton problem.

May I call the Senator's attention to this language in the allotment plan?—

Such portion of any agricultural product shall enter commerce at a price per unit not less than the cost of production of such commodity as ascertained by the Federal Farm Board.

That is, the price for the portion that is found to be necessary for home consumption.

The remaining—

Now we are dealing with 60 per cent of the cotton—

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market.

That sentence alone would make it impossible to sell a single bale of cotton in ordinary course of trade.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. There is really no occasion for striking cotton out of the provisions of this bill, because it could not possibly fall under them. The first subdivision of section 14, at the bottom of page 18, reads:

To the end that the policy declared in this act may be effectuated, the Federal Farm Board is authorized, whenever it finds that the importation into the United States of any such agricultural products or their substitutes produced outside of the United States materially affects or is likely to materially affect the sale in the domestic market of any such agricultural products at a price not less than the cost of production—

Then it proclaims that fact.

Inasmuch as no cotton is imported into the United States, of course, the importations can not possibly affect the domestic price, and therefore the board never could proclaim such a condition as that.

I do not care to get into the cotton end of this matter, but I call the attention of the Senator from Nebraska and the Senator from North Dakota to the same situation with respect to wheat.

The price of wheat in the United States is but very slightly affected, if it is affected at all, by importations of wheat from other countries. That is not what bears down the price of wheat. It certainly is not reduced below the cost of production by reason of the importations of wheat from abroad. I submit to the Senator from North Dakota particularly that he has the bill in such shape that wheat can not possibly come under the operation of the bill.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Montana that he is mistaken about the cotton not being imported into this country. My recollection is that in 1930 or 1931, I have forgotten which, there were 300,000 bales of Egyptian cotton imported into this country. In the Mississippi Valley and also in the Imperial Valley, and I think on some of the islands along the Atlantic coast, long-staple cotton is raised which comes in direct competition with the Egyptian cotton which is imported into this country.

Mr. WALSH of Montana. I was not speaking about long-staple cotton.

Mr. McKELLAR. The Senator was speaking only about short-staple cotton?

Mr. WALSH of Montana. Yes.

Mr. McKELLAR. I do not think there is any short-staple cotton imported.

Mr. WALSH of Montana. When we spoke about cotton I took for granted we spoke about short-staple cotton.

Mr. GEORGE. Mr. President, I assume, of course, the American mills import some short staple, the long length short staple. Our mills or buyers have on occasion imported short-staple cotton for the purpose, no doubt, of controlling the market.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. GEORGE. I yield.

Mr. NORRIS. Several times the Senator has said with reference to cotton that under the bill not a bale of cotton could be sold. I wonder if the Senator means under the bill? Was he not referring particularly to Title III?

Mr. GEORGE. Yes; I was referring to the allotment plan.

Mr. NORRIS. His remarks might be misleading. I am not finding fault with the Senator, but there are three methods provided in the bill and he is speaking of Title III, which is called the allotment plan.

Mr. GEORGE. Yes; exclusively.

Mr. NORRIS. The remarks of the Senator would not apply to the debenture plan.

Mr. GEORGE. Not at all. The only thing I said about the debenture plan was with reference to the provision for a tariff, which I am advised has been stricken out of the bill.

Mr. NORRIS. I remember the Senator was talking about it and somebody interrupted me and I was not able to follow his statement through. What was that provision in the debenture plan?

Mr. GEORGE. It is found on page 15, beginning in line 14, as follows:

On and after July 1 next following the passage of this title, a customs duty of 4 cents per pound shall be levied, collected, and paid on all cotton imported into the United States or Porto Rico in the same manner as other customs duties are levied, collected, and paid.

I am advised that that has been stricken out of the bill by amendment.

Mr. NORRIS. Yes. Will the Senator look on page 8, which is the equalization-fee portion of the bill, commencing with line 14 and running down to the end of line 23? Does the Senator remember whether that language was in the so-called McNary-Haugen bill which we passed through the Senate on two or three different occasions?

Mr. GEORGE. I do not recall.

Mr. NORRIS. I agree with the Senator that that is levying a tariff straight out. I do not see the necessity for it here. Certainly under the Constitution, it seems to me, it would vitiate that part of the bill, because we have no authority under the Constitution to initiate a revenue measure.

Mr. GEORGE. That was my comment upon that particular provision. Of course, if we attached it to a revenue bill, it would be a different thing.

Mr. NORRIS. Oh, yes.

Mr. GEORGE. I would like to take this occasion to say that it seems to me to be essential, in any proper operation of the debenture plan or the equalization-fee plan, to impose tariffs upon importations and reimportations of farm products. That must necessarily be done.

Mr. NORRIS. That could not apply where there is to be a tariff imposed.

Mr. GEORGE. No; nor where there is a tariff already in existence.

Mr. NORRIS. Of course, if we wanted to adopt a plan putting some commodity on the free list in order to make it effective, we would either have to impose a tariff or resort to the method proposed in the debenture plan by making a straight levy on the product.

Mr. GEORGE. That is quite true.

Mr. President, I merely wished to offer these comments upon the bill generally. I do not wish to be understood as saying that any allotment plan would be subject to the criticisms which I have suggested. It occurs to me that an allotment plan might be worked out which would be free of the objections, but I am speaking of the allotment plan in this particular measure. Notwithstanding the admirable purposes of the author of the bill and of those who are championing it on the floor, and notwithstanding the extreme urgency for relief to agriculture, I do not see how the allotment plan here presented could be made applicable to the cotton industry.

Mr. NORRIS. Mr. President, I feel that some serious objections have been raised to the bill. It illustrates, it seems to me, the dangers in the pathway which the Senate has been traveling now for a month or six weeks. We are undertaking, it seems to me, to do some impossibilities. In the anxiety of Senators to adjourn and in the anxiety of Senators to enact some relief for agriculture, I am afraid we are trying to do things that we would not undertake if we were more deliberate. I think it is true of every Senator—and I am speaking now only from my own experience, though I do not believe I am an exception to the general rule—that there has not been a session of Congress in the last 40 years when the work of Congress has accumulated and piled up in front of Senators as is the case at the present time. We have been working almost day and night. I know from my own experience it has become impossible for me to give individual attention to a great many things in which I have a deep interest.

I am a member of the Committee on Agriculture and Forestry and have been ever since I have been in the Senate. As Senators know, for a long time I was chairman of that committee. I devoted most all of my time to the consideration of matters coming before that committee. While I was chairman and afterwards, when I was able and was not crowded with the work with which I am now crowded, I tried to attend all the meetings of the committee. I became familiar during that time with, I think, nearly every known proposal for the relief of agriculture. I have read hundreds of the plans. I have listened for weeks and weeks to discussion of them by scientific men who have been instrumental in drawing them, down through the list to and including men who talked most and knew nothing whatever about them. I felt, therefore, sufficiently familiar with the debenture plan and with the equalization-fee plan to vote on them intelligently. When I knew they were the same that we had passed through the Senate previously, I did not consider it necessary to give my attention to them.

That is not true, however, of the allotment plan. I am not sure but that an allotment plan may be worked out to be the best of any plan proposed. I do not believe it is worked out in this bill. I could satisfy myself in voting for the bill, however, because none of the plans is mandatory. It is not at all likely that the Farm Board, if the bill should become a law, would ever put more than one of the plans into effect. I take it that they would not put the allotment plan into effect at all as we have it in this bill. It seems to me there are at present some very objectionable features that would have to be worked out. The Senator from Georgia [Mr. GEORGE] has called attention to one. I think there are others in the bill. In voting for it I do not want it understood that I am giving my approval to the allotment plan as it is set forth in the bill. Neither do I want it to be understood from what I say that I am condemning the allotment plan.

A great deal of attention has been given the allotment plan by very eminent students of the subject. I never gave it any study to amount to anything until recently. I am afraid that the provisions of the bill with regard to the allotment plan as set forth in the bill are unworkable. If we pass the bill I would like to have my vote explained to that effect, not because I condemn it. If we had more time, if we could consider these things as we have in the past, we probably could work out a plan that would be satisfactory and that would be workable.

On page 8, commencing with line 14 and ending with line 23, we find this language—and this is the part of the bill that applies to the equalization fee:

Under such regulations as the board may prescribe, the equalization fee determined under this section for any agricultural commodity produced in the United States shall in addition be collected upon the importation of each designated unit of the agricultural commodity imported into the United States for consumption therein, and an equalization fee, in an amount equivalent as nearly as may be, shall be collected upon the importation of any food product derived in whole or in part from the agricultural commodity and imported into the United States for consumption therein.

Mr. President, I can not myself see why that is not a straight imposition of a tariff duty upon a large number of products. It is not incidentally there. It comes directly. As we all know, under the Constitution we have no authority to initiate revenue legislation. That would be all right if we had a bill from the House proposing to raise revenue and we were to offer that provision as an amendment. It would be perfectly proper because the Constitution provides that while we are prohibited from initiating in the Senate revenue-raising legislation, yet it is specifically stated that we have authority to offer amendments as we may see fit to House bills dealing with that subject.

I do not believe that language is contained in the equalization-fee plan that we have passed through the Senate at different times and which originated in the Senate, although I have not had time to look it up to see whether that is true or not. However, I have no fear of the court declaring the entire act unconstitutional simply because in one or the other of the plans there is something that makes that plan unconstitutional. To be wise, however, on that subject it seems to me we ought to add an amendment to the bill providing that if the court finds any title or any provision or any part of the act unconstitutional it shall not affect any other part.

Mr. FRAZIER. Mr. President, I may say that the Senator's colleague, the junior Senator from Nebraska [Mr. HOWELL], has such an amendment prepared and ready to offer.

Mr. NORRIS. I would like to ask my colleague if he took that language from the injunction bill which we passed recently?

Mr. HOWELL. No; it was prepared by the legislative bureau.

Mr. NORRIS. They have probably used that form. We adopted a little different plan after a good deal of discussion in the Judiciary Committee on the injunction bill, and it has been used since in a number of bills and copied a great deal. I think it is a much better provision than we used to put on our bills. However, even without that provision I think it is the duty in a general way of a court, in passing on the constitutionality of an act of Congress, if it finds that the unconstitutional part of it is not the main object in passing a bill and that the balance of it can stand as a concrete proposition without the unconstitutional part, not to declare the entire act unconstitutional.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. The Senator just stated the question as I think it is pretty well established by the courts, that if any particular provision may be regarded as unconstitutional, they will leave intact the workable provisions, and of course will eliminate the unconstitutional part.

Mr. NORRIS. And let the remainder stand. I think that is good constitutional law.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. BANKHEAD. I should like to ask the views of the Senator as to what effect the elimination of the tariff provision would have upon the effectiveness of the bill in increasing the prices of commodities.

Mr. NORRIS. Even if it left the bill rather unworkable, it could go to the House, where the defect could be remedied, as they have the constitutional power to act in that way; but I would rather strike the tariff provision out than run the risk of having the court hold this whole title unconstitutional on account of that provision originating in the Senate.

Mr. BANKHEAD. The point on which I should like to have the Senator's views is if we do not have a tariff provision in the bill to protect importations, would importations then prevent the accomplishment of the purpose to increase the value of the commodities proposed to be benefited under the bill?

Mr. NORRIS. I think that would depend upon whether or not the particular articles when imported had tariffs on them. In other words, if they had tariffs sufficiently high to keep them out, it would be all right; but if they had no tariffs on them, then the equalization fee would not work. The equalization fee is intended to put the producers of commodities included in or operated upon by the bill on an equality with others who are manufacturing articles or dealing in articles which are protected by a tariff. It is designed to give the producer the benefit of the tariff. It has no other object, so far as I know, and never had any. That was the real object of the bill. It is quite a long bill, because when you come to work out a proposal of that kind it is a very complicated affair. I myself have always doubted whether the equalization fee, on account of its complexities, would be workable as to some commodities. I think it would work as to wheat and corn and cotton, but I do not have much faith in it working as to some other commodities that are manufactured or partially so. So the operation of the equalization fee without a tariff is an impossibility; it simply has no reason for existence, because its only object is to make a tariff effective, as we usually say, to agriculture.

Mr. President, I myself feel warranted at least in voting for this bill, because, even if some of the objections should be held to be good, there would still be left in the bill, in my judgment, intact sufficient to make it workable. I do not have any doubt, as I look at it, but that the simplest proposition that has ever been devised for aiding agriculture is the debenture plan. It is objected to by some because it is said that it is a bonus, and indirectly it is. That objection does not apply to the equalization fee, because the producer of a commodity stands the loss, but it is certainly simple, and it certainly stands intact in this bill if the other objections are held to be good.

Mr. BORAH. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. TRAMMELL. I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment for the information of the Senate.

The CHIEF CLERK. On page 15, line 14, it is proposed to strike out the following words:

On and after July 1 next following the passage of this title, a customs duty of 4 cents per pound shall be levied, collected, and paid on all cotton imported into the United States or Puerto Rico in the same manner as other customs duties are levied, collected, and paid.

Mr. BORAH. Mr. President, I do not desire to interfere with the adoption of the amendment, but, after action upon it, if nobody else desires to discuss the bill I should like to offer an amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The amendment was agreed to.

Mr. HULL. Mr. President, unless the Senator from Idaho desires to discuss the bill, I should like to proceed for a few moments.

Mr. BORAH. The Senator from Idaho desires to offer an amendment, which he understands is not now in order.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the Senator from Nebraska.

The CHIEF CLERK. On page 16, line 21, it is proposed to strike out "joint resolution" and insert in lieu thereof "act."

Mr. HULL. Mr. President, I hope I may be pardoned for detaining the Senate for a few moments to offer a brief individual comment on the significance of this measure and its implications so far as American agriculture is concerned.

As the Senator from Nebraska has just stated, the avowed purpose of the equalization fee provision is to attempt to lift the prices of agricultural commodities up to the artificial tariff level occupied by manufactured commodities which are able to avail themselves, more or less, of the tariff benefits.

Mr. President, I think we should thoroughly understand, as we go along, just what we are attempting to do and just what the fundamentals of this economic situation are. This measure puts the spokesmen for the farmer, who are supporting it, in the Senate and the farm leaders of the country, who are sponsoring it, in the position of acquiescing in the present and the recent tariff policy of our country as exemplified by the Fordney and the Smoot-Hawley laws. In other words, Mr. President, the farm spokesmen are saying to the farmers of the Nation that the Mellon-Grundy idea of tariffs should be the permanent and fixed policy of this country and that the farmers and their spokesmen should acquiesce in it without complaint and without any serious effort at any time to mitigate the more extreme provisions it contains. The farm spokesmen are saying in effect to the farmer back home that we have practically an embargo tariff policy so far as it being remotely competitive is concerned; that it is written by the chief manufacturing tariff beneficiaries so far as the lion's share of the benefits is concerned; that it is the duty of the farmers of the country to acquiesce in the economic and tariff and commercial leadership of this the most extreme type of the chief manufacturing tariff beneficiaries. Let them write their own high rates and, of course, give the farmers the fullest opportunity also to write high rates, which in most instances are merely paper rates. The farmer then is expected to trudge along behind the chariot wheels of the chief manufacturing tariff beneficiaries of the country, who are able to get a substantial per cent of the tariff benefits while the farmer gets but little. The farmers' representatives then attempt to construct a scaffold, which may be a very temporary and crude one, but which will afford the only medium by which we may hope that the farmer will get a few of the tariff crumbs that fall from the table of the industrial beneficiaries in this country, whom I have described.

I am not criticizing them. So long as the American farmers will sit still and through their Representatives and Senators acquiesce in Mr. Grundy and Mr. Mellon and men of that type writing our tariff laws and take in return nothing but paper rates for the farmer except as to some minor specialties, of course, the farmers are going on toward economic perdition; and that is the situation in this country.

I want to assert, Mr. President, that if the American farmers instead of this course of supine acquiescence would organize themselves, they could in 48 hours deadlock the Government and compel the consideration of economic policies that would be fair to them instead of allowing policies dictated by the industrial group to become the sole matters of consideration.

There is little wonder that American agriculture is steadily on the decline. I have here the figures of the decline of farm values from 1922, when the Fordney-McCumber bill was enacted, which created two price levels, one for agriculture and one for industry. Farm values have decreased every single year from 1922 down to 1930. If we take as the average value that for 1912 to 1914 and figure it at 100, the farm values in the United States in 1922 were 124; in 1925 were 127; in 1926, 124; in 1927, 119; in 1928, 117; in 1929, 116; in 1930, 115; in 1931, 106; and in 1932, 89. There has been a steady decline of all farm values in this country from 127 in 1925 to 89 in 1932.

That, Mr. President, is the situation that the farmer finds himself in, although he is plastered all over with tariffs. His corn bears a rate of 15 cents a bushel, and yet he is getting only 31 cents on the farm for it. His wheat bears a

rate of 42 cents a bushel, and he is getting only 43 cents on the farm. His eggs have a tariff of 10 cents a dozen, and he is receiving only 10 cents a dozen on the farm for his eggs. His chickens have a tariff of about 10 cents a pound, and he receives only 12.6 cents a pound. His butter has a tariff of 14 cents a pound, and it is bringing in the New York market now only 17½ cents, which is the same as the price of similar butter from Denmark on the world market in London. His hogs have a rate of 2 cents a pound, and he is getting only 3½ cents on the farm. His hides have a rate of 10 per cent, and he is getting only 5¼ cents a pound for them. His oats have a rate of about 15 cents, and he has been getting less than that at times. And so on through the list of farm products, whether they have tariffs or no tariffs.

The farmer has suffered a loss in his commodity values since 1929 of 54 per cent, while the manufacturer on the average has sustained a loss of scarcely more than 30 per cent, with the result that while the farmer pays 114 for what he buys he gets only 52 for what he sells. That is the impossible condition that presents itself; and it is my judgment that so long as we turn away from and dodge these fundamentals of the agricultural situation, and seek by one artificial device after another to bolster up the farmer and scaffold him up in the hope that somewhere along the line he may pick up a few crumbs from the table of the manufacturer's tariffs which the manufacturer is able largely to collect, we are either consciously or unconsciously sending agriculture on to a state of permanent peasantry.

I shall not take the time to read a long list of figures and facts here as to what is happening. We are indulging in the happy dream that we can build up a wall here, and consume what we may be able of farm products, and then dump the others on the different countries of the world.

Mr. President, there is nothing more absurd and utterly visionary than the notion that we can dump our cotton and our wheat and all these other farm products on the other nations. The truth is—and I have here a long list of the laws and regulations governing imports of foodstuffs and other classes in most of the countries—that the country to-day, under our leadership, is largely in a state of economic war. It is largely on an artificial business basis. The nations are completely tied down by restrictions and restraints of every kind that impede commerce, that prevent countries from trading with each other. There is not a nation in the world to-day that could begin to pay us in gold the debts it owes, except France. The other nations could not pay us either in goods or in gold or in any other way under the existing economic practices of this and of other countries, under our leadership.

Mr. President, I do not think myself that we can afford to make the American farmer believe that the only source of relief for him is to go along and support this inordinate tariff policy that is dictated by the chief manufacturing tariff beneficiaries, and then endeavor by these artificial devices to get something out of this artificial situation. In the recent past he has suffered twenty-odd billions of steady losses, during which time almost all of his exports have dried up, with the result that his cotton and his wheat and his other commodities produced on a surplus basis have congested and the bottom has fallen out of the prices; and here we come, year after year, telling the farmer that we can contrive a sort of an artificial device here that will get him something out of this situation.

If we would go straight at the fundamentals of this matter, I think we really could accomplish wonders for American agriculture; but we would be obliged to repudiate this extreme embargo tariff policy, and this policy of almost utterly disregarding our opportunities to sell our surpluses in foreign markets. Nothing is more patent than the fact that a creditor and a surplus-producing nation can not avail itself of tariff rates or tariff benefits in so far as they relate to articles produced on a surplus-producing basis, and yet 90 per cent of the acreage in this country planted to crops relates to just such articles as I have referred to—articles produced on an increasing-surplus basis.

If I had my way, Mr. President, I would insist that the American farmers challenge this 1-sided and lopsided

tariff and commercial policy which we are permitting our industrial friends to dictate supremely. It is true, as I stated, that they give agriculture the empty privilege of writing any kind of rates that in effect are purely paper rates except as to a limited number of these specialties that we grow in this country. If I had my way, I would have the American farmers and the general American public insist on a policy of moderation instead of this embargo tariff policy; insist upon liberal trade practices instead of restrictions and restraints on every exchange in the world, instead of barriers and obstructions to capital and goods whenever it is attempted to transfer them across international boundaries, and in that way offer some opportunity for nations to exchange their surpluses.

Mr. President, we have seen here and elsewhere the most amazing experiments that are intended to get us out of the predicament which these enormous surplus accumulations have brought upon us.

I have before me here a dispatch from down in Brazil. I want to state its substance to those who do me the courtesy to listen. This relates to the coffee situation down there, with which they have undertaken to deal, just as we have in this country with sugar and zinc and copper and lead and a long list of other commodities produced on a surplus-producing basis, which also includes wheat. Down in Brazil they have recently actually assembled and burned, openly and publicly and notoriously, more than 7,000,000 bags of coffee—good, sound coffee of the best quality—in order to decrease the supply and artificially raise and stabilize the price at a higher level. That not proving sufficient, however, they are now assembling 7,000,000 bags, or a total of \$30,000,000 worth, in addition, in order to burn it and more securely raise and stabilize at a higher level the price of coffee.

Mr. President, it is devices of that kind that we in this country are being gradually driven to. It is just such artificial arrangements and contrivances that any nation on a substantial surplus-producing basis is inevitably driven to when it permits industry to fence itself off by prohibitive or embargo tariffs.

I know how uninteresting this viewpoint is to some, but it is not unusual to experience that situation. We have in this country to-day eight or nine million unemployed people, and they are on their feet at the instance of some of our ultra-high-tariff friends expressing their concern about poorly paid foreign labor. They would not for the world abandon that utterly nonsensical and false cry about serious competition as to the great majority of our industries from what they call ignorant pauper foreign labor. It is a paradox to see 8,000,000 absolutely unemployed, idle wage earners in this country, with its mountain-high tariffs, expressing fear about some kind of so-called ignorant foreign labor.

Then we have our six and a half million farmers with our 30,000,000 farm population that have steadily drifted down to the very verge of bankruptcy, falling up to this time either themselves or through their leaders to prepare a sound program that will deal with the actualities of the farm situation in this country.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. HULL. Yes.

Mr. COSTIGAN. In all the years in which the able Senator has served his country as a legislator, has he ever unearthed facts which have led him to believe that agriculture and manufacturing may be brought to a parity of returns on investments through the use of the protective tariff? If so, his conclusions differ from mine.

Mr. HULL. Not if we permit the manufacturer to write his own rates without restraint, and leave to the farmer the poor privilege of writing equally high rates, but most of which in effect are paper rates; and that is why the farmer is in his present situation.

This Nation could enter upon a policy of reasonable or moderate tariffs with such trade policies as would give us a market for all of our surplus, and permit both industry and

agriculture side by side to go forward to a remarkable development. But that is not the proposition.

I was about to say that we have many strange conditions of psychology in this country. There is at Chicago to-day a seething mass of politicians, who are not even remotely thinking about anything except the prohibition question. Here is this Nation in the welter of the most destructive panic in human history, more people in a state of suffering and distress, greater opportunities for the relief of human misery, than have ever been offered a parliamentary body. Yet the leaders of a great political party at Chicago, according to the news reports, are not even thinking about remedies for these conditions of distress, either as to agriculture, or mining, or manufacturing, or any other group or section of our common country. We have been bumping along in this state of unprecedented distress for nearly three years, and no leadership yet has undertaken to offer a single basic remedy for a single basic cause of this awful economic collapse.

There is no time for anything except to talk about prohibition, or some other collateral or necessarily subordinate problem. I am not attempting to minimize prohibition or like questions, but I am attempting to emphasize the importance and the urgency, as well as the supreme duty of government, to go to the fundamentals of this awful panic situation and devise some sort of fundamental remedies.

The first thing I would do would be to join in a movement to reform our whole expenditure and tax and debt situation in this country—Federal, State, county, and municipal. Nothing is more patent than that since the war nations and individuals have hopelessly lived beyond their capacity and have piled up mountains of expenditures and taxes and debt beyond their ability any time soon to cope with.

There will be vast defaults and repudiations, both by governments and individuals, if we continue to go along under our present economic policies. I would launch a movement, if I had my way, which, within the course of one or two years, would lop off at least 35 per cent of our Federal, State, and local taxes and expenditures. I would appeal to other nations which are hopelessly loaded down with similar amounts of taxes and debt and are wholly unable to restore their economic and industrial and trade situations so as to buy from us and from each other—I would appeal to them to pursue the same policy of retrenchment and economy which, in my judgment, lies at the foundation of any satisfactory and permanent business and economic recovery.

The next thing I would do for the farmers would be to insist to the cotton farmer, for instance, that he undertake to place himself on the most highly efficient basis, to produce the best possible quality of middling cotton, a quality that would be at a premium in every market in the world and would sell itself. Then, as I said, I would have farm cooperation developed to the highest degree, from production to transportation and distribution. Then I would lower these artificial tariff costs which, in addition to internal taxes, bear so heavily on American agriculture, in such a discriminatory manner, tariff penalties and the resultant trade of obstructions, so that it is impossible for the farmer to market his surplus at anything like the cost of production.

I would thus lower his living costs, his production costs, and his transportation and marketing costs. In that way the farmer would to a large extent be set free from the most important and by far the heaviest impediments that press down upon him and prevent him from going forward.

The farmer will never get anywhere, in my opinion, until he adopts those fundamental policies, instead of blindly trailing along behind the embargo-tariff chariot of our good industrial friends.

That is an issue which the farmer will not get away from, and it is up to him to decide how many more years he cares to suffer and undergo further declines in the values of his products, further falls in the prices of his commodities, further increases of his mortgage indebtedness, until he is willing to rise up and demand of his leaders and his representatives that they adopt a set of basic policies such as I

have described, instead of carrying on more or less of a sham fight with the chief manufacturing tariff beneficiaries in this country and subserviently following their leadership.

Mr. President, if anybody were at all interested in this subject, I could present a great many figures, and a great many facts, which unerringly show how agriculture has been crucified in this country and is to-day being literally crucified, while its spokesmen, well meaning no doubt, stand idly by and talk about some little artificial contraption which will enable the farmer to get on a stepladder and to climb up on a scaffold and hold out his hat and gather a few crumbs if they happen to fall from the tariff table of the chief manufacturing tariff beneficiaries. That is the situation. There is no use concealing it. We should emphasize it so that the farmers over the Nation will go forward with open eyes. They have nobody except themselves to censure for the discriminations which they are suffering and which they will continue to suffer under this species of legislation.

Mr. President, I felt that I should take these few minutes, in justice to myself and any others who might entertain similar views, to point out what in my judgment is the utter inexpediency and unavailability of these contrivances brought in here from time to time in the name of American agriculture.

I concede to others the same honesty of purpose I claim for myself, but I would not be frank if I did not label these proposals as being hopelessly unsound, impractical, and inefficient, as I think they are.

Mr. President, I shall not discuss the details of this bill. I merely desire to present what I conceive to be the economic policy that is raised by their presentation here. I hope that sooner or later there may be an awakening, that when enough more millions of farmers go into bankruptcy, and enough more millions of wage earners in this country go into unemployment, tragic as it is to contemplate such a thing even, we may finally have an awakening that will compel a reexamination of our position as a nation in the economic affairs of the world, and such new and modified policies as the great creditor and the greatest surplus-producing nation in the world should adopt.

Mr. LOGAN. Mr. President, I want to take a very few moments of the Senate's time, not to discuss farm relief, because I think that is an ignis fatuus, a will-o'-the-wisp, a disembodied spirit, but one which, like Banquo's ghost, will not down.

The farmers are the princes among the people now. There was a time only recently when the farmer was in very bad condition, but others have become so much worse off than he is that he ought to be congratulating himself. He has corn in the crib, wheat in the bin, meat in the smoke-house, and things of that kind, and while the wolf is howling around his door he can laugh. But that is not true with untold millions who do not know where their next meal will come from.

The farmer is never going to starve in the United States. He is not going to be hungry even. If he runs out of a few little things, he goes over to his neighbor to borrow. We have talked about the condition he is in until we have almost given him an inferiority complex. I think that if we let the farmer alone it will be the best thing that ever happened to him.

TERMS OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES

Mr. President, I said I was not going to talk about the farm problem. I want to talk for about four minutes about another matter.

On May 9 I introduced a joint resolution proposing to amend Article II, section 1, of the Constitution, which resolution, if it should finally become a part of the Constitution, would provide that the President and Vice President should be elected for a term of seven years and be ineligible for reelection for successive terms. The resolution further proposes to amend Article I, section 1, so that Representatives in the Congress shall be elected for a term of four years.

It seems to me that the proposed changes in the Constitution would be wise. Those who are familiar with the po-

litical history of our Nation know that the President during his first term devotes much of his time in preparation for a second nomination and election. He usually devotes the two first years of his first term to the selection of those that duty requires him to appoint. I am persuaded that political considerations largely influence these appointments. Merit does not count so much as the number of delegates the appointee may probably control in the next convention. The President would be less than human if he were not influenced by the probable effect on his political future that an appointment will have.

The President, looking to his renomination and knowing that certain measures, though unsound, are demanded by the voters in large groups, may be induced to advocate such measures, believing that he will gain votes thereby when he comes up for reelection.

To speak plainly, the President spends two years in building up a political machine and the next two years in perfecting it so it will operate smoothly. He neglects weightier matters which should have his attention.

That political machines are built up by Presidents is well illustrated by what is now taking place in Chicago. I speak as one having respect for the President who now occupies that position. There is no one in the Senate, regardless of his politics, who believes that the President would be renominated but for the influence of those he has appointed to office. Fully 90 per cent of the Republican voters of the Nation believe that his renomination is unwise, but they realize that they are powerless to prevent his nomination because of the organization which he has perfected. In fact, no one really favors the renomination of the President except the Democrats, and their desire is wholly selfish.

I am not criticizing the President for what he has done. Others occupying the office have done the same thing. Probably no more than three of our Presidents have not been guilty. It is the system that I complain of. The temptation should be removed. If he is made ineligible for the succeeding term, all temptation will be removed and he will consider merit of more importance than political influence. He will be made free, and only a man who is wholly free can serve his country well.

I propose a term of seven years because the Constitutional Convention in 1787 first fixed the term at seven years, and later changed it to four. But there is a better reason to my mind. If the term is seven years the election may be held at a time when there is no election for Members of the House or Senate. Many a worthy servant in these bodies has been defeated when he was mixed up in a presidential election when, if he had stood alone, he would have been returned.

This is no new proposal. Probably a hundred amendments have been proposed, which if adopted would have made the President ineligible for reelection.

I sincerely trust that the able Judiciary Committee will give this question serious consideration at its earliest convenience, and I have no doubt that it will do so.

I will speak a word about the proposed 4-year term for Representatives. The average Representative runs all the time. Since they are generally nominated in primaries, they often have two elections every two years. He is generally a poor man when he begins his congressional career, and he grows poorer every year. He ought to be given a respite. His term should be four years. He will be freer to follow his own judgment if his term is lengthened.

The PRESIDING OFFICER. Without objection, the pending amendment is agreed to. The clerk will state the next amendment.

The next amendment was, on page 20, line 15, after the word "carrier," to insert a dash.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 22, after line 15, to insert:

Sec. 2. Sections 11, 12, 13, 14, and 15 of the agricultural marketing act, as amended, are hereby renumbered as sections 16, 17, 18, 19, and 20, respectively.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 17, line 20, to strike out the word "title" and insert in lieu thereof the word "act."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOWELL. Mr. President, in connection with the amendment just agreed to there should also be a similar amendment on page 17, line 23, where the word "title" should be stricken out and the word "act" inserted. I move that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is before the Senate and open to amendment.

Mr. BLAINE. Mr. President, I shall propose certain amendments which, as stated, will overcome some of the objections—in fact, a major portion of the objections—to the allotment plan in the farm bill. I will state the amendments which I wish to propose and then outline the reasons for proposing such amendments. After I have outlined the reasons for proposing the amendments I shall formally offer them in order.

On page 18, line 6, I shall propose an amendment that, after the word "enter," there shall be inserted the words "into interstate," so that the sentence will read:

Such portion of any agricultural products shall enter into interstate commerce at a price per unit—

And so forth. I may say at the outset that three of the amendments refer to the allotment plan beginning on page 18.

The second amendment is, on page 18, lines 11 and 12, to strike out the words "as directed by the Federal Farm Board." I shall also propose an amendment, on page 18, line 13, after the word "market," to strike out the period and insert the words "unless perishable and farm products subject to processing and preserving."

I shall also propose an amendment on page 20, after the word "hereof," in line 3, to strike out the words "and any person who intentionally or knowingly violates any other provision of this title," so that the penalty will apply only to the licensee and shall not apply to a seller, who, of course, in any event would be the farmer who produced the farm commodities or products.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. BLAINE. I yield.

Mr. ROBINSON of Arkansas. On yesterday there was some discussion of the question as to whether the terms of the bill as presented impose a penalty on the producer. I expressed the opinion yesterday that the language does not warrant that conclusion. My study of the subject has been continued, and I must say that there is at least sufficient ground to justify the amendment which the Senator proposes, sufficient ground for the contention that the bill as written imposes a penalty upon the seller, having particular reference to the language on page 18 in section 14, and on page 20, lines 3 and 4, the latter being "and any person who intentionally or knowingly violates any other provision of this title."

That is very broad language and it might be held by the courts to embrace a seller or producer who sells in the domestic market cotton which has been set apart for export. I think the amendment should be given serious consideration.

Mr. BLAINE. Mr. President, I think the Senator's views just expressed are correct. I have thought so from the beginning of the debate. In this connection, while the Senator from Arkansas has raised the question, I shall discuss the reasons why this amendment ought to be adopted rather than to take up the amendments in the order in which I have stated them.

Mr. McNARY. Mr. President, may I inquire of the able Senator from Wisconsin just which language he desires to strike out?

Mr. BLAINE. I propose, on page 20, beginning with line 3, after the word "hereof," to strike out the words "and any person who intentionally or knowingly violates any other provision of this title," so that the penalty clause then would apply only to the person who is the licensee and who intentionally or knowingly is making any purchase in violation hereof shall then be deemed guilty of a misdemeanor, and so forth.

Mr. McNARY. I think it highly important that that matter should be deleted. I am very happy the Senator has offered the amendment. So far as I am concerned, I shall accept the amendment.

Mr. BLAINE. Mr. President, I want to point out the reasons a little more specifically. Turning to page 18, it will be observed that "the Federal Farm Board is authorized and directed to ascertain and make public the part of domestic production"—I assume that means the production which is to be sold in the domestic market, that is, within the United States—"of any agricultural product which is needed for domestic consumption." Then the language proceeds as follows:

Such portion—

That is, that portion of the agricultural product needed for domestic consumption—

Such portion of any agricultural product shall enter commerce at a price per unit not less than the cost of production of such commodity as ascertained by the Federal Farm Board for the year during which such commodity was produced.

Mr. President, there can not be a purchaser of a farm commodity unless there is a seller. That, of course, is axiomatic.

So that if a licensee purchases a farm product for a price less than the cost of production as fixed by the board, the seller then has offered his product to enter commerce at the same reduced price, and thus becomes liable under the penalty clause. That is one proposition. The other is this:

The remaining or surplus portion—

That is, the portion that is not needed for domestic consumption—

if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market.

Under that clause there is only one person involved, and that is the farmer—the man who produces farm commodities or farm products. If he should sell any portion of his milk, for instance, in my State, to be delivered to the consumers of milk in the city of Chicago, and that milk was surplus milk, he would be guilty of an offense under this provision. So, I think, under either of these two circumstances the farmer would find himself going to jail for the violation of the law.

I am sure it was not the deliberate intent of the authors of the bill or the proponents of this particular measure to impose any such penalty upon the producer of a farm commodity or a farm product.

Mr. THOMAS of Oklahoma. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. BLAINE. I yield.

Mr. THOMAS of Oklahoma. Under the terms of the section does the Senator think that in the absence of action by the Farm Board any person selling a commodity would be liable in any way under the other terms of the bill? In other words, is it not a fact that under the provisions of the measure the Farm Board must make rules and regulations respecting any given commodity before anyone would be liable for doing anything about such commodity?

Mr. BLAINE. Of course, that is a condition precedent. The Farm Board could bring into operation this proposed law; and when the Farm Board does bring into operation this particular plan and the farmer violates either one of the two conditions to which I have referred, the farmer will be penalized under this proposal unless the amendment shall be adopted.

I think that is made perfectly clear; I need not discuss that further. I therefore, Mr. President, propose an amendment—and I do this for the sake of hastening along the consideration of the bill—on page 20, line 3, after the word "hereof," to strike out the words "and any person who intentionally or knowingly violates any other provision of this title," so that the subsection will read:

(3) Any person who, without a license issued pursuant to this section, intentionally or knowingly engages in or carries on any business for which a license is required pursuant to this section, or intentionally or knowingly makes any purchase in violation hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than six months, or both.

I offer that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. BLAINE. Mr. President, taking up the other proposed amendments in the order in which I mentioned them, I come back to page 18, line 6, and I wish to offer an amendment. On page 18, line 6, after the word "enter," to insert the words "into interstate," so that that particular sentence will read:

Such portion of any agricultural product shall enter into interstate commerce at a price per unit not less than the cost of production of such commodity as ascertained by the Federal Farm Board for the year during which such commodity was produced.

Mr. President, commenting upon that suggestion, I think it is admitted—and I express that opinion with a considerable definiteness—that there are no two lawyers, no group of lawyers or any single lawyer or any judge who would for one instant contend that Congress has power over intra-state commerce. In other words, Congress has no power to regulate commerce wholly within a State. There has been serious objection offered because the bill includes "any commerce" and applies all the conditions of the allotment plan not only to interstate commerce, that is, commerce between the several States and among the several States, but also applies the provisions of the plan to commerce within a State. By the adoption of such an amendment as I have offered that criticism would at once be removed.

I think I can also, with some degree of definiteness, state that there are no two laymen who, if they will sit down and think about this proposition for just a moment, will contend that Congress has any power to regulate commerce wholly within a State. The Constitution of the United States prescribes the powers and limitations upon Congress. Under section 8 of Article I of the Constitution, the United States Congress is given the power—

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Congress has no other power than that which is conferred upon it by the Constitution, and the Constitution confers power with respect to the regulation of commerce limited to the regulation of commerce "with foreign nations and among the several States, and with the Indian tribes." So by the adoption of this amendment the criticism which has been applied to the bill will at once be dissipated so far as that constitutional objection is concerned.

Mr. President, this may be rather an irregular manner of presenting these amendments; but for the sake of expedition, I now offer the amendment to which I have referred, on page 18, line 6, after the word "enter," to insert the words "into interstate."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. BLAINE. Now, Mr. President, I propose another amendment, and I will point out the reasons why the amendment should be adopted. On page 18, lines 11 and 12, I move to strike out the words "as directed by the Federal Farm Board," so that the sentence in which said language is contained will read as follows:

The remaining or surplus portion, if any, shall be exported, withheld from market, or otherwise disposed of, except that it shall not be disposed of in the domestic market.

Mr. President, after the Federal Farm Board has ascertained and directed and made public the portion of the domestic production of any agricultural product which is needed for domestic consumption the power over the remainder of the production—that is, over the surplus—is vested in the Federal Farm Board. The Federal Farm Board has power under the paragraph I have read to permit the surplus portion to be exported and to prohibit that surplus from the market; that is, "it shall be withheld from market," and I presume that means the domestic market, and the board has the power to otherwise dispose of the farm product as the Farm Board may direct.

It may be contended—and I have heard it mentioned, though not very emphatically—that the Federal Farm Board would never enter an order for the destruction of any farm commodity or farm product; that the Farm Board would not be so silly, crazy, and insane as to direct the destruction of any surplus of a farm product. I am not so sure about that. If we may judge the future by the past, the chances are that the Federal Farm Board will be just as insane and just as crazy in the future as it has been in the past with respect to its suggestions. I am using the words "crazy" and "insane" not from the standpoint of the mental disability of members of the Farm Board; but in the operation of their functions and duties I think their suggestions have been absolutely asinine to the degree of insanity.

The Senator will recall that last year the Federal Farm Board advised and recommended that every third row of cotton be destroyed. The purpose of that was to eliminate the surplus. Mr. President, such a suggestion exhibits a condition of official-mindedness that not only borders on insanity but is official insanity.

Even worse than that, the Federal Farm Board made another suggestion, or at least by implication it made the suggestion. As all Senators know, my State is a great dairy State. I think over one-tenth of all the dairy cows of the United States are in the State of Wisconsin. As I recall—I may not be exact in the percentage now; it changes from time to time—but Wisconsin produces approximately 75 per cent of all of the American cheddar cheese and foreign cheese that is produced in the United States. Seventy-five per cent, three-fourths of the entire production of the United States, is in my own State.

Now, let us look at this suggestion of the Federal Farm Board. There is what is known as the Dairy Advisory Committee. I will not give the membership. There are some lawyers upon the committee who are drawing down some very handsome salaries as advisers to cooperatives for the legal advice that they may give. Some of those lawyers, as I say, are members of this Dairy Advisory Committee. There are some other men who are members of this advisory committee who are somewhat equipped to give some advice upon dairying but whose judgment, if followed, would result in tremendous loss to the dairymen of my State and the dairymen of every State.

This Dairy Advisory Committee, I do not know on what date, but I think it was October 20, 1931—the release for the afternoon papers was for October 22, 1931—issued a statement in which they recommended that all low-producing and unprofitable cows be culled from the herds and sold for slaughter. That was no new theory. The State of Wisconsin, under the direction of the agricultural department of the university, has been preaching that all dairy cows that are commonly known as "boarders," that do not make their board and keep, ought to be culled from the herds. That advice has been generally followed; and the Dairy Advisory Committee is about 40 years beyond the times on that. That has been going on in my State to a very high degree of perfection. But this is what they further advised:

And that the farmer reduce the size of his herd by eliminating at least 1 cow out of every 10.

There is no way by which the farmer could eliminate any of the good dairy cows out of his herd except to send them to the slaughter or kill them and bury them upon the farm.

Mr. President, I happen to be in association with some farmers of my State who were interested in the possibility of taking over a cheese and butter factory, who had consulted me respecting the organization, and while we were chatting about that proposition I received this communication, and asked them what they thought about the proposition that the dairy farmer of my State, after he had culled out the useless or "boarder" cows, should kill or send to slaughter every tenth cow. The dairy farmers unanimously said, "Why, they are a lot of damned fools."

It may not be entirely parliamentary, but it was emphatic and mighty expressive. Remember, the Farm Board sponsored the suggestion and issued the newspaper release.

With those two illustrations, I am unwilling to trust to the Federal Farm Board the agricultural interests of this country, and give them the power to say that every other row of cotton shall be destroyed, and every tenth dairy cow shall be destroyed, and one out of a certain number of bushels of wheat shall be destroyed. We do not know what action they might take. I am unwilling, in view of their expression of opinion in the past, to put such great power into the hands of the Federal Farm Board—the power to tell the farmers of this country that they must not dispose of their surplus product except in some particular way as directed by the Federal Farm Board.

Striking out the words "as directed by the Federal Farm Board" will leave the sentence reading as follows:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of, except that it shall not be disposed of in the domestic market.

I now offer that amendment in the course of this debate.

The PRESIDING OFFICER (Mr. CAREY in the chair). The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. HOWELL. Mr. President, may the clerk please state the amendment?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, lines 11 and 12, the Senator from Wisconsin proposes to strike out the words "as directed by the Federal Farm Board," so that it will read:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of, except that it shall not be disposed of in the domestic market.

Mr. FRAZIER. Mr. President, I should like to ask the Senator from Wisconsin how this provision is to be worked out unless it is through the Farm Board or some other organization of that kind. The bill provides that it shall be done by the Federal Farm Board. If this were stricken out, it seems to me it would tend to destroy the value of the bill.

Mr. BLAINE. Mr. President, my answer to that question is this question: Does the Senator from North Dakota believe in giving the Federal Farm Board the power to direct that a farmer shall destroy the surplus part of his production?

Mr. FRAZIER. This has nothing at all to do with that, that I see.

Mr. BLAINE. I am surprised. That is exactly what it says:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of—

How? "Or otherwise disposed of," how?—

As directed by the Federal Farm Board.

Of course they have the power to dispose of that surplus crop by directing that it may and shall be destroyed. There is not any other interpretation that can be put upon that language. What other purpose has it? Where will the surplus go? It may not go into export. If it is withheld from the market it can not be sold.

Mr. FRAZIER. Why can it not go into export?

Mr. BLAINE. There may be no export market. It therefore could not go into the export market. The bill says, "withheld from the market." Well, when you withhold something from the market, and then provide that the Federal Farm Board may "otherwise" order some disposal of

the product, of course, they have the power to destroy that crop or order that it be destroyed.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I yield.

Mr. HOWELL. If the domestic market can not absorb the product, it must be exported. It can not be used, can it?

Mr. BLAINE. If there is no export trade for it, where will it go?

Mr. HOWELL. If there is no domestic market for it, where will it go? For the portion used in the domestic market the farmer is to receive a United States price. If the domestic market will not consume the product, there is no other place for it to go but in export trade. That is the situation that exists to-day.

Mr. BLAINE. Of course there are places where it may go. It may go into storage if it is capable of being stored.

Mr. HOWELL. But this does not prevent it from being stored.

Mr. BLAINE. Oh, no; it does not prevent it, and the Farm Board may not exercise the power; but the bill gives the Farm Board the power to dispose of the surplus. It says, first:

The remaining, or surplus, portion, if any, shall be exported.

That is one thing. It shall be sent abroad. There may be no export market, however.

It shall be—

withheld from market—

I assume that that means the domestic market. I do not know, but I assume so.

or otherwise disposed of as directed by the Federal Farm Board.

What is meant by "or otherwise disposed of as directed by the Federal Farm Board"?

Mr. HOWELL. But, Mr. President, if the product comes into market, and, if sold, there, would destroy the domestic market, of course, the product should be withheld from the market until the domestic market can absorb it or until it can be exported.

Mr. BLAINE. Does not the Senator appreciate that power is given to the Federal Farm Board to direct the manner in which a farm product may "otherwise" be disposed of? That power is given to the board. It may not exercise the power, but the power rests in the board.

Mr. HOWELL. But, Mr. President, we must give this board some power if it is going to rescue the farmer.

Mr. BLAINE. Is the Senator willing to give power into the hands of the board that will permit the board to destroy or order the destruction of a farm product?

Mr. HOWELL. There is no authority given here for the destruction of a farm product.

Mr. BLAINE. What is meant, then, by "or otherwise disposed of"?

Mr. HOWELL. If they can not export it, it might be used for processing other products.

Mr. BLAINE. Suppose the processors have their shelves filled with the products. They will not take it.

Mr. HOWELL. Under present conditions they would not take it, either.

Mr. BLAINE. Now the Senator is begging the question. Assuming that there are products that are not going into processing, what is going to be done with those?

Mr. HOWELL. What would be done with them to-day if there is no market?

Mr. BLAINE. That is begging the question.

Mr. HOWELL. But here is a point where we can well beg the question, because we are endeavoring to do something for the farmer. We are endeavoring to give authority to aid him to get a United States price for that which he produces, inasmuch as he must pay a United States price for that which he buys. The Senator, however, would strike out this power and authority that we give to protect the farmer. That is the purpose of this legislation—to change the present methods of marketing farm products.

Mr. SHORTRIDGE. Mr. President—

Mr. BLAINE. Just a moment. The Senator from Nebraska says we are trying to do something for the farmer. On this proposition what you are doing is something to the farmer. I have asked the Senator what he means by the language "or otherwise disposed of as directed by the Federal Farm Board." That language must mean something. I have had no answer to that question. Does the Senator say that the Federal Farm Board would not have power to direct the destruction of a farm product of which there was a surplus?

Mr. HOWELL. Mr. President, I certainly would insist that there is no such power granted. It is to be assumed that a governmental agency will act with intelligence and justice to those for whom it is operating.

Mr. BLAINE. Not the Farm Board. Does the Senator recall that last summer the Federal Farm Board urged the cotton producers to destroy every third row of cotton and sent out a report from the dairy advisory committee, and sponsored it, advising that every tenth dairy cow be disposed of?

Mr. HOWELL. Mr. President, I am sure the Senator is mistaken in saying that the Farm Board ever passed such a resolution. There might have been an agricultural advisory committee that recommended some such course, but certainly I am not aware of any resolution or final action by the Farm Board to that effect.

Mr. BLAINE. Mr. President, I shall not permit the Senator to put a misconstruction on what I said. I said that the dairy advisory committee passed a resolution. I said that the Federal Farm Board sponsored that resolution upon its official paper, and gave it out from the Federal Farm Board for release to newspapers on October 22, 1931, which resolution provided that the farmer reduce the size of his herd by eliminating at least 1 cow out of each 10 after he had culled out the "boarders" to which I referred. That is what the Farm Board did—it sponsored it. Furthermore, the Federal Farm Board actually recommended and urged the destruction of every third row of cotton.

Are we going to give into the hands of a department here at Washington such power of life and death over the farmers of this country, give to the Farm Board the right to direct which farm products and farm commodities, if there is a surplus, shall be destroyed? The farmers of this country will never for one moment indorse any such proposal when they know the facts.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. CONNALLY. Is it not the Senator's view that if the Farm Board had had the power, instead of advising the farmers to plough up every third row, the Farm Board would have made them plough up every third row?

Mr. BLAINE. That was in their minds, of course. I assume that if they had had the power, they would have exercised it.

Mr. CONNALLY. Under this bill, if they had that power, instead of telling the farmers what to do, they would order them to do it and make them do it.

Mr. BLAINE. They would order them to do it. I am assuming that the provision is a constitutional and valid provision. I am not discussing the validity or alleged invalidity of it. I am assuming that Congress has the power to do that which is proposed under the allotment plan in section 14. In view of that assumption, the power is conferred upon the Federal Farm Board to direct how the surplus may "otherwise" be disposed of, and that means that it may be destroyed if the Federal Farm Board so directs.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield.

Mr. SHORTRIDGE. The language of the proposed bill is:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market.

Agreeing with the thoughts of the Senator, I also put the question, in the case of the dairy herd, if there is found to be a surplus production from that herd, it shall be exported;

but suppose there is no export market, and it shall be "withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market"—what is the farmer to do?

Mr. BLAINE. The doors are closed to him, of course, and therefore the Federal Farm Board would say, "We will direct that this be destroyed."

Mr. HOWELL. What would he do under present conditions?

Mr. BLAINE. The Senator begs the question when he asks that.

Mr. HOWELL. I have a perfect right to beg the question.

Mr. BLAINE. But let me call attention to the fact that there is no Federal Farm Board to-day that has any power to tell the dairymen of our State that they shall destroy their milk, or that they shall destroy their calves, or that they shall destroy every tenth dairy cow; or the farmers of North Dakota that they shall destroy one-tenth of their wheat crop; or the farmers of Nebraska that they shall destroy one-tenth of their corn crop. There is no such power.

Mr. HOWELL. But the farmers in the Senator's State are getting 13 cents a pound for butterfat now. That is what the farmers are getting for butterfat to-day. Is not the Senator willing to make some disposition so as to afford them a fair price? The Senator knows they can not produce butterfat for such a price. How does the Senator propose to relieve them?

Mr. BLAINE. Mr. President, the Senator is begging the question. I have not suggested that the farmer should not have a fair price for his product. I have not suggested that the farmer should not receive his cost of production. I have made no such contention, and it is unfair for the Senator even to intimate by inference that I have made any such suggestion.

Mr. HOWELL. Mr. President, I did not suggest that the Senator from Wisconsin had made such a statement. I stated the fact that the farmer to-day was getting 13 cents a pound for butterfat, and I asked the Senator how he proposed to come to the farmer's rescue.

Mr. BLAINE. Mr. President, the Senator begs the question—repeatedly begs the question. The Senator has not yet advised the Senate in answer to my question: Will not the Federal Farm Board have the power to direct the destruction of a surplus?

Mr. HOWELL and Mr. FRAZIER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I would like to have the Senator from Nebraska answer that question, after he has been so persistent.

Mr. HOWELL. I will answer the question, Mr. President. In my opinion, such a construction would not be upheld by any court.

Mr. BLAINE. I perfectly agree with the Senator.

Mr. HOWELL. Then it could not occur.

Mr. BLAINE. I assumed the legality of this provision. I assumed that it was constitutional, and, indulging that assumption, if it is constitutional, the Federal Farm Board would be upheld by the courts. But I do not for one moment believe that Congress has the power to bestow on any commission or any department the right to declare that a surplus shall be destroyed. It is a good thing for this country that Congress has not that power. It is a good thing for the farmer. He should not be subjected to a bureaucracy here in Washington which could compel him to destroy his tenth dairy cow, to destroy one-tenth of his wheat, to destroy one-tenth of his milk, one-tenth of his butter, one-tenth of his cotton, or one-tenth of any commodity or product produced by him. The Constitution of the United States stands between him and a Congress that would confer such a power upon a board.

The Senator has stated exactly the proposition, that no court would uphold any such order, because we could not grant a board any such power. I do not assume for one moment that the Senator from Nebraska is endeavoring to

palm off on the Senate an invalid and unconstitutional provision. I think more of the Senator than to believe that he would endeavor to palm off on the Senate and palm off on the farmers of this country an unconstitutional and an invalid provision. I do not believe the Senator from Nebraska wants to go so far as to give a promise to the ear, as the Senator from Montana [Mr. WALSH] said.

The Senator has indeed expressed exactly the situation, that there is no authority in the Constitution for Congress to confer upon a Federal Farm Board, or any other body, the power or right to destroy products of the farm.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. HOWELL. There is no statement in this measure to the effect that the Federal Farm Board can order destruction of property. There is no statement of that character. The Senator from Wisconsin reads that into the measure, and I, controverting it, call his attention to the fact that any attempt to read anything of that kind into this measure would be prevented by a court. It does not follow, therefore, that I am for an unconstitutional provision in this bill.

Mr. BLAINE. Let me ask the Senator what does follow a production of the farm when there is no export demand for it, no export market for it, when it must be withheld from the market? Where can that crop go?

Mr. HOWELL. It can be used upon the farm, just as skim milk is being used upon the farm now. There is no market for skim milk. What do the farmers do with it? Skim milk costs to produce. What are they doing with their excess skim milk? The situation in regard to skim milk is what would confront the farmer if he had a product which he could not sell in the domestic market and could not sell in the foreign market. What would he do with it? He would utilize it upon his farm as far as practicable. That is what he would do with it.

Mr. BLAINE. Mr. President, the Senator very ingeniously talks about skim milk used upon the farm. Why does he not say sweet milk or whole-cream milk? What the Senator says to the farmer is, "Take your sweet milk back to the farm and feed it to the hogs." That is what the Senator proposes.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. HOWELL. So far as operating a dairy at this time is concerned, statistics for the month of April for my State showed that a farmer was feeding a cow, was caring for it, was milking it twice a day, and getting 1 pound of butter fat from that cow, which was selling for from 13 to 14 cents a pound. I think the Senator will admit that it would probably have been better for the farmers who cared for cows during the month of April to have been rid of them, because they were not getting the cost of production from those cows. At the outside the estimate was that the farmer was making 1 cent a day per cow. That is the situation confronting the farmer in this country to-day, and we are endeavoring to find some way to remedy that situation.

Mr. BLAINE. Mr. President, it is very evident that the Senator from Nebraska does not own a dairy farm, does not operate a dairy farm, does not milk any cows, has no cows to milk. He is one of the city advisers to the farmer. We have had a lot of them in the past. We have had business men advising the farmer, we have had the city folks advising the farmer until to-day the farmer has been brought to his knees, economically speaking. He has been following too long the advice of business men and city folks. The Senator from North Dakota [Mr. FRAZIER] sotto voce suggests "lawyers." May I intrude a personal note, so far as I am concerned, and say that my interests and investment as between my profession and a dairy farm is all in the dairy farm. I know the losses we are suffering. I know that there is no one who has a right here in Washington, either on the floor of the Senate or from a department, to tell the dairyman to take his milk home and feed it to the hogs.

Mr. FRAZIER. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. Just a moment. The farmer pours milk into hogs that bring \$3.50 per hundred pounds, and even less than that, so that the return on hogs is less than is the return on milk. Then for Senators on the floor of the United States Senate to suggest to the farmer to take his milk home and feed it to his hogs is surprising to me. I am not surprised that that sort of philosophy initiates this kind of a provision, which permits the Federal Farm Board to tell the farmer to destroy his cotton, to destroy his milk, to destroy his butter, to destroy his pork, to destroy any commodity of which there may be a surplus.

There is no answer to the question except the begging of the question. Of course, the farmers are distressed. That is no answer to the question I have been propounding. The power is lodged with the Federal Farm Board to direct the manner in which the surplus commodities on the farm shall be disposed of. That is the plain language. If the act should be held valid and constitutional, then that power is valid and constitutional and the Federal Farm Board can exercise that power. If this is not valid, if it is unconstitutional, then we should not hold out the promise to the farmer that it is going to aid them. If it is valid and if it is constitutional, then I am opposed to any proposal which authorizes a department or a board or the Government in any form or under any characterization to compel the farmer to destroy that which they determine to be the surplus crop.

Mr. NORBECK. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I yield.

Mr. NORBECK. Is not the Senator in accord with a great deal of the bill?

Mr. BLAINE. I am not opposing the bill.

Mr. NORBECK. Are there not important features in the bill which, if put into effect, would put agriculture on a better basis?

Mr. BLAINE. Let me say to the Senator that there are many good features in the bill. There may be many good features in the allotment plan. What I am trying to do is to take out those features which are clearly unconstitutional, recognized even by the laymen as unconstitutional. I am endeavoring to perfect the allotment plan so I can with justification defend it.

Mr. NORBECK. I am sure the Senator from Wisconsin misunderstood me. I was trying to call attention to the other parts of the bill. There is too much emphasis being laid on the things which may justify criticism and too much forgetting that a constructive measure is before us.

Mr. BLAINE. There is scarcely any criticism of those portions of the bill which are constructive. There are excellent provisions in the bill. There is no question about the debenture plan being a plan which will make the tariff effective as to farm products. The Senator from South Dakota and I are in absolute accord on that proposition. It is highly important that we have a measure enacted at this session of Congress to make the tariff effective on farm products. We were promised that away back in 1928. A special session of Congress was called for that purpose. I voted on every roll call to make the tariff effective as to farm products, and the Senator from South Dakota, to his honor, also voted to carry out the pledge that had been made. We are in absolute accord on that matter. I am not opposing the bill as a whole. I am endeavoring to perfect what I think ought to be perfected in the allotment plan, so that if there is any value in it those provisions which are clearly unconstitutional will be removed and the plan permitted to operate as an experiment only, perhaps. It may be only an experiment, but it may be worth while to experiment with it when we can also have the debenture plan and the equalization plan. But I do not propose to give the Farm Board power to destroy any portion of a farmer's crop.

Mr. NORBECK. I thank the Senator.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. Conceding that the measure does pass and that the debenture plan in the bill possesses some merit, are there any other provisions which have any merit? I confess that Title III is, to my mind, a most remarkable production, absolutely devoid of merit and calculated to produce—

Mr. BLAINE. Mr. President, I apologize to the Senator for interrupting him, but I was in hopes the Senator would not attempt to divert me with a general proposition. I am perfectly willing to answer any question, but I do not want to engage in a general discussion of the other provisions of the bill. I should be glad to answer a specific question.

Mr. KING. The Senator finds himself favoring the allotment plan?

Mr. BLAINE. I am endeavoring to perfect it as much as possible and to remove from it some of the provisions which are admittedly invalid.

Mr. KING. I hope the Senator will pardon me if I suggest that I think he would be serving the country far better if he would move to strike out all of Title III.

Mr. BLAINE. I want the opportunity to perfect it. It may be worth trying. It may be only an experiment, but I do not want an experiment that is going to put into the hands of the Federal Farm Board power to tell any farmer that he must destroy any portion of his product.

Mr. KING. I think the Senator would be doing a great service to his country if he would introduce some amendment that would take from the Farm Board powers which it now possesses and refuse to concede any proposition that increases its power. It has been such a failure, such a tyrannous, bureaucratic, inefficient body that the sooner we get rid of it the better it will be for the country.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. BLAINE. Certainly.

Mr. FLETCHER. We have some precedent in the matter of the stabilization of prices and the power to destroy surplus. Brazil last year destroyed 7,000,000 bags of coffee beans, the estimated value of which was \$30,000,000. That much coffee was burned last year. Does the Senator apprehend, if the bill should be passed, that it would give some such power as that to the Federal Farm Board whereby they might destroy whatever surplus they saw fit to condemn?

Mr. BLAINE. As I said, upon the assumption that the provision is valid and constitutional—I make that qualification—then under the provision the Federal Farm Board would have the power to determine the method of disposing of the surplus otherwise than as expressed in the paragraph in which that clause appears. That would mean beyond any question that the board would have the power to order the destruction of any portion of the alleged surplus farm crop or commodity.

Mr. President, in these times when we have millions of men and women and children out of employment, some of them without food, many of them on short rations of food, I can not understand why there should be a single ounce of food destroyed. It is far better to go back to the policy of the Pharaohs and store up during the years of plenty the surplus for the years of scarcity and famine. I am not in favor of placing in the hands of the Federal Board the power to destroy any portion of a product of the farm.

Mr. President, I offer the amendment.

The VICE PRESIDENT. The clerk will report the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 18, lines 11 and 12, strike out the words "as directed by the Federal Farm Board," so the sentence would read:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of, except that it shall not be disposed of in the domestic market.

Mr. FRAZIER. Mr. President, if the amendment is to be voted on, I want an opportunity to speak on it a little while.

Mr. BLAINE. Mr. President, for the time being I will withdraw the amendment and proceed with the next one. Probably there will be no objection to it.

Mr. FRAZIER. Very well.

Mr. BLAINE. On page 18, line 13, after the word "market" and before the period, insert the words "unless perishable and farm products subject to processing or preserving," so the sentence would read:

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market unless perishable, and farm products subject to processing or preserving.

I will discuss the amendment at this time. It will be observed that the paragraph which I have been discussing provides that—

The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Federal Farm Board, except that it shall not be disposed of in the domestic market.

There are many perishable products which can be disposed of nowhere except in the domestic market. For instance, in my own State we have over one-tenth of the dairy cows of the country. We produce a veritable Niagara of milk.

Our outlet for liquid milk and sweet cream is the city of Chicago to a very great extent. For that liquid milk and that sweet cream—milk that goes into the homes for the breakfast table, served with breakfast foods, and fed to the babies—the city of Chicago is a great market not only for the southern one-third of the dairy section of my State but as far north as 300 miles beyond the southern boundary of my State. That liquid milk is shipped that great distance, sometimes by automobile vacuum-tank trucks—that is, by trucks with vacuum tanks containing the sweet milk—and the same is true as to the sweet cream. The transaction involved in selling that milk to the city of Chicago is interstate commerce. There is a surplus of sweet milk and sweet cream during certain seasons of the year, seasonal surpluses. Under this bill every dairyman in the State of Wisconsin could be deprived of the Chicago market; under this provision that surplus could not be sold in the domestic market. So the sweet milk and the sweet cream which constitute a surplus, under the advice of the Senator from Nebraska, would be taken back to the farm and fed to the hogs. That is just exactly what would happen unless this amendment should be adopted respecting the liquid milk and the sweet cream of which there may be a seasonal surplus in connection with the Chicago milk market.

Mr. President, as I have pointed out, the paragraph provides that the remaining or surplus portion, if any, shall be exported. Of course, one can not export sweet milk and sweet cream; they are barred from the export market so far as Wisconsin is concerned. Perhaps the dairymen of North Dakota may be able to ship some of their sweet cream and sweet milk across the boundary line into Canada, but not so in the dairy States of the Union. I am substantially correct in saying that there can be no foreign export market for liquid milk and sweet cream. If it is to be withheld from the market, as the Senator from Nebraska says, the farmers then must be content to feed it to their hogs.

I am not exaggerating, Mr. President; I am setting forth the exact conditions that will prevail; and I think my own experiences afford me justification for pointing out such unreasonable provisions. Under the wording "or otherwise disposed of" as the Federal Farm Board may direct, of course, the board can direct that surplus milk shall be destroyed, poured into the sewers, or, as the Senator from Nebraska said, fed to the hogs.

Mr. President, milk is a highly perishable product; it can not be subjected to the air for long. The farmers can not afford to store milk in vacuum tanks. It must be consumed within a reasonable number of hours after its production—and the same thing is true as to sweet cream—or it must be turned into butter. Perhaps there may be a surplus of butter, and therefore the farmers can not sell their butter. In any event, milk and its products, of which there might be

a surplus, would have nowhere to go under this bill except into the sewer or to be fed to the hogs.

Of course, the farmers might make their butter without the use of salt, and then use the butter for lubricating oil. Had the Senator from Nebraska been a little more familiar with farming he probably would have suggested that that also be done, as he suggested that the milk be fed to the hogs.

I do not criticize the Senator from Nebraska. I think he is perfectly sincere in this matter and perfectly honest—I am speaking of the junior Senator from Nebraska—but he, like many other honorable and sincere men, may have had only the pleasure of driving by the farmsteads but never the experiences that come to men who spend their lifetime upon a farm.

What I have said has to do with milk, a perishable product. The junior Senator from Nebraska will say that the provision on page 3 respecting the fourth finding of the board takes care of milk and other perishables. Let us examine into that.

Fourth. That the durability and conditions of preparation, processing, and preserving and the methods of marketing of the commodity are such that the commodity is adapted to marketing as authorized by this section—

In other words, as to milk which through processing can be reduced to powdered milk or canned milk the Farm Board might say that this surplus milk, because of the possibility of its preparation through processing, should be canned, powdered, or malted; but, Mr. President, canned milk, malted milk, and powdered milk exist in such great surpluses that there is nowhere for additional processed milk to go. So, under this provision, we are affording the farmer no avenue through which his liquid milk may go except to be fed to the hogs or poured into the sewers.

Then there is another proposition. Power, as I have said, is put in the hands of the Federal Farm Board to determine when that surplus, if it is not exported and is withheld from the market, how it can "otherwise be disposed of."

Mr. President, there is competition between the dairymen of Wisconsin and the dairymen of Illinois. If there were sufficient political pressure on the part of the people of Illinois to bring into operation the exercise of this power conferred upon the Farm Board, then, of course, the politicians of Illinois could put the dairymen of Wisconsin out of business, and they could do it through an order providing how the surplus milk should be disposed of. I call attention to the fact that milk from Wisconsin shipped to Chicago is interstate commerce, while milk from Illinois to Chicago is intrastate commerce, over which Congress has no control.

Mr. President, the possibilities of this allotment plan, under the provisions to which I have directed my criticisms, are such that any State having a surplus of a commodity could be discriminated against depending entirely upon political pull, if the Federal Reserve Board were subjected to such influences.

I am unwilling to place the great industry of agriculture in the hands of a board appointed by the President, political creatures of an administration or a party, sometimes appointed in order to discharge a political debt. I am unwilling to place in a board so constituted the power to destroy the dairy industry of my State and the agricultural industry of any other State.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. KING. I should like the Senator's opinion in regard to the operation of Title III of the bill as it deals with other agricultural products. The State of Idaho produces large quantities of alfalfa. The sheepmen of Utah have frequently purchased hay in Idaho to feed their sheep during the winter. Suppose that the Farm Board had the power proposed to be given by this measure should determine that the amount of hay needed for domestic use in the United States for the next year was, say, a million tons. Under the bill the board would be required to ascertain the cost of producing that hay. Of course, it is absurd to say it could, because the conditions vary so. In Arizona,

where they raise four crops of alfalfa, 8 tons or more to the acre, the cost is much less than it is in other parts of the United States; but, waiving that point, suppose the board fix a million tons as the quantity necessary for domestic consumption. A million tons are produced outside of Idaho. Idaho produces a surplus of 100,000 tons of hay which she must dispose of. It can not be disposed of in the State, because of no local needs. The producers of the hay can not ship it to the Pacific coast and across the sea, because the cost is prohibitive. They can not ship it to Canada, because the costs are prohibitive. What could the owners do with this surplus?

Mr. BLAINE. Mr. President, of course, hogs would not eat dry alfalfa.

Mr. KING. Of course not.

Mr. BLAINE. I am not making this suggestion seriously; but the farmers could take the alfalfa and burn it in the furnace.

Mr. KING. Exactly.

Mr. BLAINE. That is about the only place where the surplus could go.

Mr. KING. So that under the provisions of this bill the farmers of Idaho would suffer irreparable loss.

Take my own State: We grow some of the finest fruit in the world. How would it be possible for the board to find out the cost of pears and cherries and peaches, and so forth, the fruits which we grow in abundance and, indeed, of which we have a great surplus? But suppose they do have sufficient wisdom to determine the number of bushels of pears and peaches required for domestic use in the United States during the year, and the people of Utah have produced an enormous surplus, and that surplus exceeds the maximum amount which the board under this power fixes as the domestic consumption for the year. What disposition will be made of this surplus? It can not be sent to England, nor to Canada. The producers of the fruit would not dare to sell it because of the provisions of this bill, if it exceeds the domestic needs as determined by the board, to anybody in the United States. Apparently the fruit would have to be destroyed, as I understand the terms of this bill. Am I right in my interpretation of it?

Mr. BLAINE. The Senator is only partially correct. Let me outline an example.

Take potatoes, for instance—Idaho potatoes. I did not intend to advertise Idaho potatoes especially, because Wisconsin potatoes are—

Mr. KING. A little better? [Laughter.]

Mr. BLAINE. Well, at any rate, quite equal; they are all fine potatoes. The Federal Farm Board investigate the number of bushels of potatoes, the number of hundreds of pounds of potatoes produced, and they find that there are so many thousand pounds of a surplus. We will use, just for example, 500,000 pounds. If we carry out the interpretation of this bill, and the only interpretation we can place upon it, this is what would result:

We will assume that there is no export trade for those potatoes. Therefore, they can not be exported. They are withheld from the market, or they are otherwise disposed of, as directed by the Federal Farm Board. There are two ways of disposing of potatoes. One is to turn them into liquor, moonshine. That might be the most profitable one. Of course the Federal Farm Board would not direct a violation of the Volstead Act, however; so the Federal Farm Board, compatible with the eighteenth amendment, would say, "Now, we will use the other method. We will direct that those surplus potatoes must be turned into starch," and they have the power to do it under this bill. But where will the starch go? There is a surplus of starch; and that is why I am offering the amendment. That is a good illustration of why I am offering the amendment, to take perishable and other farm products that are subject to processing and preserving and lift them out of this bill.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. BLAINE. Yes; I yield.

Mr. BORAH. Is the Senator referring to Title III?

Mr. BLAINE. Yes; the allotment plan.

Mr. BORAH. By the time the Senator gets through with it, there will be nothing left of it. Why not lift Title III out of the bill?

Mr. BLAINE. I am perfectly willing for the senior Senator from North Dakota [Mr. FRAZIER] to leave his wheat in, if he is willing to take that chance with the farmers of North Dakota. I am perfectly willing for the junior Senator from Nebraska [Mr. HOWELL] to leave his sugar in, if he is willing to take chances with the sugar producers of Nebraska. I am perfectly willing for the senior Senator from New Hampshire [Mr. MOSES] to leave his hay in, if he wants to take a chance with the farmers of the State of New Hampshire. So I am accommodating the junior Senator from Nebraska, the senior Senator from North Dakota, and the senior Senator from New Hampshire. In fact, that permits the senior Senator from New Hampshire to join the "sons of the wild jackass." [Laughter.]

Mr. BORAH. Even the company of the Senator from New Hampshire would not assuage my feelings or change my opinion with reference to some of the provisions which have nothing to do with the matter the Senator is discussing. For instance, there is left in the bill the provision that "it shall be unlawful for any licensee to purchase any agricultural products at a price less than the cost of production proclaimed by the Federal Farm Board."

Mr. BLAINE. I am perfectly willing to leave that in. If we can obtain for the farmers, by this provision, the cost of production, the farmers will have made considerable progress in this Congress.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Wisconsin what he has against the "sons of the wild jackass"? [Laughter.]

Mr. BLAINE. As I am included as one of them, I have not anything against them, but inasmuch as the Senator from New Hampshire on yesterday pleaded that his hay be brought within the terms of this bill, I thought the "sons of the wild jackass" ought to invite him into their company. It was purely an act of generosity toward the Senator from New Hampshire, recognizing his complete conversion.

Mr. MOSES. Mr. President, I must remind the Senator that I had a trinity of products—hay, apples, and potatoes.

Mr. BLAINE. I am trying to take the apples and potatoes out from under the bill and leave the hay in.

Mr. MOSES. I am not sure that that is an act of kindness to the Senator from New Hampshire.

Mr. BLAINE. Oh, yes; it is to the farmers of New Hampshire. It may not be to the Senator.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. BLAINE. I yield.

Mr. CONNALLY. Is not that our great problem here—to get the article of consumption to the consumer? And if we get the hay to the wild jackasses, will not that solve that part of the problem?

Mr. BLAINE. I thought that was a splendid combination—to leave hay in, so that the Senator from New Hampshire would have a complete conversion, and we might take him into our society.

Mr. BORAH. Mr. President—

Mr. BLAINE. I did not mean to be facetious about this very serious proposition. I yield to the Senator from Idaho.

Mr. BORAH. I was going to say that my great objection to Title III is that if this bill ever should reach the President of the United States, I not only think he would be justified in vetoing it, but I do not see how he could avoid vetoing it. The other two propositions would necessarily fall with it. It is so unquestionably void that I think we would destroy the whole bill. I do not think the President could find an excuse for signing it, and I have no reason to suppose he would be hunting for a reason to sign it.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. Does not the Senator believe, under all the circumstances, that the wiser course to pursue is either to defeat this bill in its present form or to recommit it and let the committee consider it further, in the light of the observations and suggestions which have been made?

Mr. BLAINE. Let me perfect this section, and then we will take up that discussion.

Now, Mr. President, I have pointed out the matter of liquid milk, and so forth, and the perishables, and what would happen; but the same thing would happen to potatoes; the same thing would happen to all fruit; the same thing would happen to all vegetables. It would happen to any farm product that is perishable or that is capable of being processed or preserved, because on page 3 the bill provides:

Fourth. That the durability and conditions of preparation, processing, and preserving and the methods of marketing of the commodity are such that the commodity is adapted to marketing as authorized by this section.

Which, of course, means that the board may apply this plan to milk, because it can be adapted to processing, as I have pointed out. It can apply it to vegetables, because the larger number of vegetables are the subject of preserving or processing. The same thing is true with respect to fruit. The same thing is true with respect to a great many farm commodities, which are, in the nature of things, perishable and must be disposed of somewhere very shortly after they have been taken from the soil; and many of these farm products are not adapted to exportation. They can be sold only in the neighborhood, or close to the neighborhood, or by rapid transit to distant parts within the United States, which, of course, would not be in the export market or foreign market. So my amendment provides "unless perishable and farm products subject to processing or preserving."

I ask that that amendment be inserted in line 13, page 18, after the word "market," striking out the period.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, line 13, after the word "market," it is proposed to insert "unless perishable and farm products subject to processing or preserving."

The PRESIDING OFFICER (Mr. WALCOTT in the chair). The question is on the amendment offered by the Senator from Wisconsin.

Mr. COSTIGAN. Mr. President, there appears to be no minority report on the pending measure. Does the Senator from Wisconsin know whether the committee was unanimous in reporting the bill?

Mr. BLAINE. I understand that there is a report on the bill.

Mr. COSTIGAN. But no minority report?

Mr. BLAINE. I am not advised as to that.

Mr. COSTIGAN. Perhaps the Senator from Oregon will advise us. Is there a minority report on the pending bill?

Mr. McNARY. I must advise the Senator from Colorado that there is no minority report. The report was made by the chairman of the committee.

Mr. COSTIGAN. Was the committee unanimous with respect to the measure?

Mr. McNARY. Not as to the allotment plan.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin. The amendment was agreed to.

Mr. BLAINE. Now, Mr. President, I renew my other amendment on page 18, lines 11 and 12, striking out the words "as directed by the Federal Farm Board."

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. BLAINE. I will ask the Senator from Arkansas to withhold his proposition until a vote can be taken upon the amendment I have just offered.

Mr. ROBINSON of Arkansas. Very well; I will withhold the matter I was about to present.

Mr. FRAZIER. Mr. President, is the Senator from Wisconsin going to hold the floor and ask to have votes taken

on amendments without giving other Senators a chance to discuss them?

The PRESIDING OFFICER. Any Senator can discuss the amendment.

Mr. BLAINE. The amendment is subject to discussion. I have no desire to prevent discussion of it. I yield the floor.

Mr. FRAZIER. I asked the former occupant of the chair to allow me to discuss the amendment—

The PRESIDING OFFICER. The Senator from Wisconsin yields the floor.

Mr. BLAINE. I yield the floor to the Senator from North Dakota.

Mr. FRAZIER. I have no objection to the Senator holding the floor as long as he wants to, but I do object to his insisting on holding the floor and having amendments agreed to without giving other Senators an opportunity to discuss them.

The PRESIDING OFFICER. The Senator from Wisconsin has yielded the floor.

THE FURLOUGH PLAN

Mr. BRATTON. Mr. President, I hold a table furnished by the National Rural Letter Carriers' Association showing how the furlough plan discriminates against rural carriers. I ask to have it inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Table showing how furlough discriminates against rural carriers

Length of route	Salary	Net equipment allowance	Five-eighths deduction	Furlough applied to others	Net loss to rural carriers
16.....	\$1,260.00	\$186.24	\$116.40	\$105.00	\$11.40
18.....	1,440.00	209.52	130.85	120.00	10.85
20.....	1,620.00	232.80	145.50	135.00	10.50
22.....	1,728.00	256.08	160.05	144.00	16.05
24.....	1,800.00	279.36	174.60	150.00	24.60
25.....	1,830.00	291.00	181.87	152.50	29.37
26.....	1,860.00	305.64	189.15	155.00	24.15
27.....	1,890.00	314.28	196.42	157.50	28.92
28.....	1,920.00	325.92	203.70	160.00	43.70
29.....	1,950.00	337.56	210.97	162.50	48.47
30.....	1,980.00	349.20	218.25	165.00	53.25
31.....	2,010.00	360.84	225.52	167.50	58.02
32.....	2,040.00	372.48	232.80	170.00	62.80
33.....	2,070.00	384.12	240.07	172.50	67.57
34.....	2,100.00	395.76	247.35	175.00	72.35
35.....	2,130.00	407.40	254.63	177.50	77.13
36.....	2,160.00	419.04	261.90	180.00	81.90
37.....	2,190.00	430.68	269.18	182.50	86.68
38.....	2,220.00	442.32	276.45	185.00	91.45
39.....	2,250.00	453.96	283.73	187.50	96.23
40.....	2,280.00	465.60	291.00	190.00	101.00
41.....	2,310.00	477.24	298.28	192.50	105.71
42.....	2,340.00	488.88	305.55	195.00	110.55
43.....	2,370.00	500.52	312.83	197.50	115.33
44.....	2,400.00	512.16	320.10	200.00	120.10
45.....	2,430.00	523.80	327.38	202.50	124.88
46.....	2,460.00	535.44	334.65	205.00	129.65
47.....	2,490.00	547.08	341.93	207.50	134.43
48.....	2,520.00	558.72	349.20	210.00	139.20
49.....	2,550.00	570.36	356.48	212.50	143.98
50.....	2,580.00	582.00	363.75	215.00	148.75
51.....	2,610.00	593.64	371.03	217.50	153.53
52.....	2,640.00	605.28	378.30	220.00	158.30
53.....	2,670.00	616.92	385.58	222.50	163.08
54.....	2,700.00	628.56	392.85	225.00	167.85
55.....	2,730.00	640.20	400.13	227.50	172.63
56.....	2,760.00	651.84	407.40	230.00	177.40
57.....	2,790.00	663.48	414.68	232.50	181.18
58.....	2,820.00	675.12	421.95	235.00	185.95
59.....	2,850.00	686.76	429.23	237.50	190.73
60.....	2,880.00	698.40	436.50	240.00	195.50
61.....	2,910.00	710.04	443.78	242.50	200.28
62.....	2,940.00	721.68	451.06	245.00	205.05
63.....	2,970.00	733.32	458.33	247.50	210.83
64.....	3,000.00	744.96	465.60	250.00	215.60
65.....	3,030.00	756.60	472.88	252.50	220.38
66.....	3,060.00	768.24	480.15	255.00	225.15
67.....	3,090.00	779.88	487.43	257.50	229.93
68.....	3,120.00	791.52	494.70	260.00	234.70
69.....	3,150.00	803.16	501.98	262.50	239.48
70.....	3,180.00	814.80	509.25	265.00	244.25

NOTE.—If seven-sixteenths is withheld from the present equipment allowance instead of five-eighths, as proposed, the above discrimination will be relieved.

VIEWS OF PRESIDENT ON REDUCTION OF APPROPRIATIONS

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to call from the table Senate Resolution 235. I have agreed on a revision of the resolution, striking out the first clause of the preamble and other amendments to conform thereto, and I understand there is no objection now to the adoption

of the resolution. So I ask unanimous consent for its present consideration, and I send to the clerk a copy of the resolution as revised.

The PRESIDING OFFICER. Is there objection in granting unanimous consent for the consideration of the resolution?

Mr. COUZENS. Let the resolution be read.

The Chief Clerk read the resolution (S. Res. 235) submitted by Mr. ROBINSON of Arkansas on June 13, 1932, as modified, as follows:

Whereas the President with the assistance of the members of his Cabinet and the heads of the independent offices and commissions is in better position within the short time before Congress adjourns to ascertain in what departments, bureaus, commissions, and independent offices a further reduction of governmental costs can be brought about and how it may be done: Now, therefore, be it

Resolved, That the President is requested to confer with the members of his Cabinet and the heads of all bureaus, commissions, and independent offices upon the best way to bring about said reduction in appropriations, and to submit to Congress for its consideration specific suggestions covering each item that the President recommends as a suitable way and place to accomplish such reduction in the appropriations for the fiscal year beginning July 1, 1932.

Mr. BORAH. Mr. President, may I ask why it is thought necessary to put into the resolution the provision that the President confer with his Cabinet?

Mr. ROBINSON of Arkansas. For the simple reason that heretofore when reductions have been made in appropriation bills, apparently with the approval of the President, Cabinet members are reputed to have come to the Congress and opposed the reductions.

Mr. McKELLAR. Mr. President, I can say that they did come before the Committee on Appropriations and did oppose reductions.

Mr. BORAH. I understand that that is a fact.

Mr. ROBINSON of Arkansas. If the Senator objects to that provision of the resolution, I would not object to eliminating it.

Mr. BORAH. I know that they have come to the Congress as has been stated, and I have no doubt that they will come here in the future.

Mr. ROBINSON of Arkansas. The object of the resolution is to preclude that if practicable.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Arkansas, as modified.

The resolution as modified was agreed to.

The preamble was agreed to.

DEATH OF REPRESENTATIVE ESLICK

A message from the House of Representatives by Mr. Chaffee, one of its clerks, communicated to the Senate the intelligence of the death of Hon. EDWARD E. ESLICK, late a Representative from the State of Tennessee, and transmitted the resolutions of the House thereon.

Mr. McNARY. Mr. President, it does not seem possible to reach a final vote on the bill this afternoon, as I had hoped earlier in the day. The Senator from North Dakota [Mr. FRAZIER] is willing to yield the floor to the Senator from Tennessee [Mr. McKELLAR] for the purpose of offering a resolution.

Mr. McKELLAR. Mr. President, I ask that the Chair may lay before the Senate the resolutions of the House of Representatives just communicated to the Senate.

The PRESIDING OFFICER (Mr. WALCOTT in the chair). The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The resolutions (H. Res. 265) were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 14, 1932.

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD E. ESLICK, a Representative from the State of Tennessee.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. McKELLAR. Mr. President, a few moments ago Representative E. E. ESLICK, of Tennessee, fell dead while making a speech in the House of Representatives. He was speaking in behalf of the soldiers' bonus when the tragic end came.

Mr. ESLICK was one of the ablest men in the House, and he was making a very eloquent speech. He had almost reached his peroration when he suddenly fell, and never revived. His devoted wife was sitting in the gallery, listening to the eloquence of her distinguished husband, when he so suddenly passed away.

I am told that it was one of the most tragic scenes that ever occurred in the House. There never was a finer man. He was beloved by all who knew him, especially in his district and in his State, where everyone admired him.

On a future occasion I shall pay tribute to his splendid character and to the invaluable services he has rendered his State. For the present I simply desire to offer resolutions, which I send to the desk and ask to have read, and I ask unanimous consent for their adoption.

The resolutions (S. Res. 236) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD E. ESLICK, late a Representative from the State of Tennessee.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Presiding Officer appointed as the committee on the part of the Senate the senior Senator from Tennessee [Mr. McKELLAR], the junior Senator from Tennessee [Mr. HULL], the junior Senator from Wyoming [Mr. CAREY], the junior Senator from New Hampshire [Mr. KEYES], the senior Senator from Alabama [Mr. BLACK], the junior Senator from South Dakota [Mr. BULOW], and the senior Senator from Georgia [Mr. GEORGE].

Mr. McKELLAR. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate adjourn until to-morrow at 10 o'clock.

The motion was unanimously agreed to; and (at 2 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 15, 1932, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 14, 1932

The House was called to order at 11 o'clock a. m. by the Speaker pro tempore [Mr. RAINEY].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Another night, another day, Gracious Lord, and we are still in the hands of a living God. It is the gladdest truth creation holds. In its deathless worth all strength and virtue lie. In the frailty of our human nature it sustains us in our keenest trials. Our Father, we rejoice that in this universe of change, with its heavenly splendors, with its immeasurable depths, with its unthinkable spaces, one thing is fixed—the love of God. O Eternal Son of God, Thou joy of all loving hearts, Thou light of men, Thou fount of life, we turn to Thee with praise and thanksgiving and ask for a continuance of Thy mercies. Guide us, encourage us, and hold our feet as stable as the Rock of Ages. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 3847) entitled "An act to